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# Bill 177

*(Chapter 34 of the Statutes of Ontario, 2017)*

## **An Act to implement Budget measures and to enact and amend various statutes**

**The Hon. C. Sousa**  
Minister of Finance

1st Reading	November 14, 2017
2nd Reading	November 30, 2017
3rd Reading	December 14, 2017
Royal Assent	December 14, 2017





## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 177 and does not form part of the law.  
Bill 177 has been enacted as Chapter 34 of the Statutes of Ontario, 2017.*

### **SCHEDULE 1 BROADER PUBLIC SECTOR EXECUTIVE COMPENSATION ACT, 2014**

Subsections 4 (1) and (2) of the *Broader Public Sector Executive Compensation Act, 2014* set out the employees and office holders to whom the Act applies as designated executives. Subsection 4 (4) of the Act creates an exception for employees and office holders who are represented by specified organizations for the purpose of collective bargaining in relation to employment-related compensation. The Schedule repeals subsection 4 (4) of the Act.

Section 6 of the Act authorizes the Lieutenant Governor in Council to make regulations establishing one or more compensation frameworks governing designated employers and designated executives. The Schedule provides that a compensation framework may authorize a Minister to make a particular specified decision that, in the opinion of the Minister, is appropriate, on a case-by-case basis.

### **SCHEDULE 2 BUILDING CODE ACT, 1992**

The Schedule makes various amendments to the *Building Code Act, 1992*. Some of the key amendments include the following:

1. The Schedule amends section 1.1 of the Act to set out the role of building owners and persons conducting building condition evaluations. The roles of chief building officials and inspectors are also amended to specify that their roles include exercising powers and performing duties in an independent manner. (See section 2 of the Schedule.)
2. Subsection 12 (1) of the Act currently authorizes an inspector to enter upon land and into buildings without a warrant where there is a permit or an application for a permit in respect of the building or site. This provision is amended to allow such entry, regardless of whether a permit is involved, if the inspector is entering to determine whether or not the Act, the building code or an order under the Act is being complied with, subject to the limitations set out in section 16 of the Act on the power to enter a dwelling. (See section 6 of the Schedule.)
3. The Schedule amends various provisions relating to the posting of orders made under the Act to authorize making copies of the orders available to the public and registering the copies in the proper land registry office. The existing orders affected are those authorized under the following sections of the Act: sections 12 (compliance), 13 (do not cover or enclose), 14 (stop work), 15.9 (unsafe building), 15.10 (emergency), 15.10.1 (maintenance).
4. New provisions are added to authorize the imposition of administrative penalties on specified persons by municipalities, designated enforcement persons and inspectors in specified circumstances. (See sections 10, 19 and 23 of the Schedule.)
5. The Lieutenant Governor in Council is authorized to make regulations establishing building condition evaluation programs and prescribing buildings and parts of buildings that are subject to such programs. Building owners are required to maintain and operate such a building or part of a building in accordance with the Act and the building code. Building owners are also required to ensure that an evaluation occurs in accordance with the Act and the building code. The Act provides for the inspection of buildings that are subject to a building condition evaluation program and authorizes the inspector to make orders. Requirements related to the service and posting of orders are set out, and the orders are also required to be made available to the public and registered in the proper land registry office. The Act also requires a principal authority to provide information regarding such a building to prescribed persons upon request and to adopt and maintain a written complaints policy regarding the program. (See section 15 of the Schedule.)
6. The Act is amended to make it an offence for a person to perform the functions of a chief building official, an inspector, a registered code agency, a designer or another person referred to in section 15.11 or 15.12 of the Act without meeting the qualification and registration requirements. A similar offence is added in respect of a person conducting a building condition evaluation. (See sections 16 and 17 of the Schedule.)
7. Various regulation-making powers are provided for, including the power for the Lieutenant Governor in Council to make regulations governing a continuing education and professional development program for chief building officials, inspectors, registered code agencies, designers and other persons. (See section 24 of the Schedule.)
8. The maximum penalty that may be imposed on a corporation convicted of an offence under the Act is increased from \$100,000 to \$500,000 in the case of a first offence. In the case of a subsequent offence, the maximum penalty is increased from \$200,000 to \$1,500,000. (See section 25 of the Schedule.)

**SCHEDULE 3  
CHILD CARE AND EARLY YEARS ACT, 2014**

The *Child Care and Early Years Act, 2014* is amended to provide that a child care provider's own children who are under 6 years old are not required to be counted in certain situations.

**SCHEDULE 4  
CHILD, YOUTH AND FAMILY SERVICES ACT, 2017**

Section 98 of the *Child, Youth and Family Services Act, 2017* provides that the court may order that one or more persons undergo an assessment. The Schedule amends clause 98 (14) (b) of the Act to correct a section reference error. The correction allows for the report of an assessment to be admissible in a proceeding brought on behalf of a child for recovery because of abuse.

**SCHEDULE 5  
CITY OF OTTAWA ACT, 1999**

The Schedule amends the *City of Ottawa Act, 1999*. It recognizes Ottawa's bilingual character. It requires Ottawa to make a by-law for bilingual administration and services. It clarifies that an existing Ottawa by-law respecting bilingualism is such a by-law.

**SCHEDULE 6  
CITY OF TORONTO ACT, 2006**

The Schedule amends the section of the *City of Toronto Act, 2006* that provides for the vacant unit rebate program. Among other things, certain rules about applications under the program are amended. The City may impose additional or alternate requirements for the program. The Minister is given additional powers to make regulations with respect to the program, including prescribing how the amount of a tax rebate with respect to a property is to be shared by the City and the school boards that share in the revenue from the taxes on the property. A regulation in respect of the program may be retroactive.

Section 291 of the Act currently provides that property tax increases may be capped for business properties and that adjustments may be made by regulation for changes in municipal taxes. Section 291 of the Act is amended to allow such adjustments to be made in respect of changes in school taxes as well.

The Schedule also repeals an amendment that is not yet in force.

**SCHEDULE 7  
COMMODITY FUTURES ACT**

The Schedule amends the *Commodity Futures Act*.

The purposes of the Act are expanded to include contributing to the stability of the financial system and the reduction of systemic risk.

Market participants are required to keep certain prescribed records and may be required to deliver them to the Commission.

Section 54.1 is amended to add a procedure for an employee to complain to an arbitrator or to the court if the employee has been subject to a reprisal prohibited by that section.

Subsection 60 (7) is amended so that the Commission is permitted to extend additional types of temporary orders.

Accessibility amendments are made to the Schedule to the Act.

**SCHEDULE 8  
COMMUNITY SMALL BUSINESS INVESTMENT FUNDS ACT, 1992**

Technical amendments are made to subsection 27 (2.1) of the *Community Small Business Investment Funds Act, 1992*, which governs the calculation of tax credits that a labour sponsored investment fund corporation is required to repay if the corporation winds up, dissolves or surrenders its registration under the Act. The amendments are made retroactive to December 15, 2009.

**SCHEDULE 9  
CO-OPERATIVE CORPORATIONS ACT**

The Schedule amends the *Co-operative Corporations Act*. Here are some highlights:

1. In various provisions of the Act, authorities and responsibilities of the Superintendent of Financial Services are changed to be authorities and responsibilities of the Minister.
2. The Minister is given the ability to delegate duties and powers under the Act to any person, subject to any restrictions set out in the delegation.

3. Various provisions of the Act dealing with the issuance of certificates are amended such that the power to decide whether a certificate should be issued is separated from the power to issue the certificate.

#### **SCHEDULE 10 CORPORATIONS ACT**

The Schedule amends the *Corporations Act*.

Currently, under subsection 148 (3) of the Act, mutual insurance corporations, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance. The Act is amended to allow such corporations to be incorporated for the purposes of both reinsuring contracts of insurance and undertaking and transacting specified classes of insurance. Amendments are made to sections 157, 162 and 163 respecting members of such corporations and their right to vote and participate in the corporations' proceedings.

#### **SCHEDULE 11 CROWN EMPLOYEES COLLECTIVE BARGAINING ACT, 1993**

The *Crown Employees Collective Bargaining Act, 1993* is amended to change the number of alternate chairs on the Grievance Settlement Board from two alternate chairs to one.

#### **SCHEDULE 12 EDUCATION ACT**

The Schedule amends the *Education Act* to take the existing provincial and demonstration schools known as Centre Jules-Léger and give them to a new not-for-profit called the Centre Jules-Léger Consortium. Half of the Consortium's members are appointed by the Association des conseils scolaires des écoles publiques de l'Ontario from among the members of French-language public district school boards, and half are appointed by the Association franco-ontarienne des conseils scolaires catholiques from among the members of French-language separate district school boards. The members are appointed with consideration to geographic representation.

The objects of the Consortium are to maintain and operate the Centre Jules-Léger schools, to provide resources and consultation to French-language district school boards respecting pupils who are deaf or hard of hearing, are blind or have low vision, are deafblind or have a learning disability, and to provide outreach and home-visiting services to parents of preschool children. The Minister may add additional objects by regulation.

The Consortium has many of the powers and duties of a school board, and operates in a similar fashion to a school board.

The Schedule also permits the Minister, subject to the approval of the Lieutenant Governor in Council, to make regulations governing meals and lodging at the Centre Jules-Léger schools and at all the provincial and demonstration schools, and the Schedule provides for inspection and enforcement of the regulations.

Consequential amendments are made to the *Limitations Act, 2002*, the *Ombudsman Act*, the *Provincial Advocate for Children and Youth Act, 2007* and the *School Boards Collective Bargaining Act, 2014*. The amendments to the *School Boards Collective Bargaining Act, 2014* provide that the Consortium has a teachers' bargaining unit and an occasional teachers' bargaining unit, with L'Association des enseignantes et des enseignants franco-ontariens designated as bargaining agent for those teachers; that the Consortium's employer bargaining agency for the purposes of central bargaining is a council of L'Association des conseils scolaires des écoles publiques de l'Ontario and L'Association franco-ontarienne des conseils scolaires catholiques; and that the teachers of the Consortium's demonstration school who are seconded remain in their "home" bargaining unit.

The Act is also amended to provide that the Minister of Finance may make regulations respecting the vacant unit rebate in areas in which a board is required to levy taxes for school purposes.

#### **SCHEDULE 13 ELECTION FINANCES ACT**

Section 38.2 of the *Election Finances Act*, which establishes monetary limits on the incurrence of nomination contest expenses, is re-enacted in order to effect two changes. Firstly, the period during which the limits apply is changed from the nomination contest period, as defined in the Act, to the period beginning on the date of the official call of the nomination contest and ending when the candidate for the electoral district is selected. Secondly, a subsection is added to specify periods during which limits on the incurrence of nomination contest expenses do not apply.

The re-enactment of section 38.2 is deemed to have come into force on July 1, 2017.

#### **SCHEDULE 14 ENGLISH AND WABIGOON RIVERS REMEDIATION FUNDING ACT, 2017**

The Schedule enacts the *English and Wabigoon Rivers Remediation Funding Act, 2017*.

The Minister of Environment and Climate Change is required to establish a Trust to fund the remediation of contaminants in the English and Wabigoon Rivers. Funding for the Trust, including an appropriation of \$85,000,000, is provided for.

The Minister is required to establish a panel to advise the Minister on issues about the Trust and give directions to the Trustee about payments out of the Trust. The panel will have representatives appointed by Grassy Narrows First Nation and Wabaseemoong Independent Nations, as well as representatives appointed by the Minister to represent Ontario.

Various procedural matters concerning the Trust and the panel are provided for.

#### **SCHEDULE 15 FAMILY LAW ACT**

The Schedule amends the *Family Law Act* to require that every parent provide support, to the extent that the parent is capable of doing so, for his or her unmarried child who is unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents.

#### **SCHEDULE 16 FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016**

The Schedule amends the *Financial Services Regulatory Authority of Ontario Act, 2016*. Here are some highlights:

1. Section 3 of the Act is amended and sets out the objects of the Financial Services Regulatory Authority of Ontario (the Authority).
2. Section 6 of the Act is amended and sets out the powers and duties of the Authority.
3. Section 11 of the Act is re-enacted and provides that the Authority may collect and enforce amounts payable to the Authority. Other financial matters are also provided for.
4. Section 15 of the Act is re-enacted to provide that the Lieutenant Governor in Council may assess the Authority annually with respect to all expenses and expenditures that the Ministry of Finance incurs and makes in respect of the Authority.
5. The Act is amended to provide the Authority with rule making authority over certain matters. If an Act provides that the Authority may make rules, the Authority may make rules in respect of any matter over which the Act gives the Authority rule-making authority. The Authority may also make rules governing fees, levies, sector assessments and other charges that the Authority may impose. The rules are subject to approval by the Minister.

#### **SCHEDULE 17 FINANCIAL SERVICES TRIBUNAL ACT, 2017**

The Schedule enacts the *Financial Services Tribunal Act, 2017*, which continues the Financial Services Tribunal. The Schedule also includes complementary and consequential amendments to other Acts.

#### **SCHEDULE 18 GREEN ENERGY ACT, 2009**

A new Part III.1 of the *Green Energy Act, 2009* requires energy providers specified by the regulations to make the energy data in respect of an account holder available to the account holder or to such other persons or entities as may be authorized by the account holder. The requirement applies on and after the date prescribed by the regulations. The Lieutenant Governor in Council is authorized to make regulations governing, among other things, the manner in which energy data is to be made available to account holders, certification requirements, extensions of time that may be granted by the Ontario Energy Board and reporting requirements.

The definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is amended to include the provisions of Part III.1 of the *Green Energy Act, 2009* and of the regulations made under it.

#### **SCHEDULE 19 HIGH OCCUPANCY TOLL (HOT) LANES ACT, 2017**

The Schedule enacts the *High Occupancy Toll (HOT) Lanes Act, 2017*, under which the Minister of Transportation may designate high occupancy toll (HOT) lanes on parts of the King’s Highway.

The designation regulations may do any of the following: limit a designation to specified days, times of day, conditions or circumstances; limit the use of HOT lanes to specified vehicles or classes of vehicles, or to vehicles with a specified number or minimum number of occupants; and regulate the use of HOT lanes, including by prescribing different rules of the road. Driving on an HOT lane or entering or exiting an HOT lane except in accordance with the regulations is an offence punishable by a fine of \$60 to \$500.

The Minister is authorized to set the toll rates payable for driving on HOT lanes, either by displaying the toll rates on signs along the HOT lanes or by regulation. The Minister may, by regulation, exempt any person or vehicle or class of persons or vehicles from the obligation to pay a toll.

The rules respecting the obligation to pay tolls, fees and interest, and for their collection and enforcement are essentially the same as those in the *Highway 407 Act, 1998* and the *Highway 407 East Act, 2012*. A brief summary is as follows: the person

named on the plate portion of the vehicle permit or the person to whom a toll device is registered is required to pay a toll and fee for the use of the HOT lane; photographic, electronic or any other prescribed type of evidence is proof of the use of an HOT lane, of the number or minimum number of occupants in a vehicle on an HOT lane, of the setting at which the toll device is set, of the obligation to pay a toll and of any other prescribed facts; a person obligated to pay a toll may also notify the Ministry of the number or minimum number of occupants in the vehicle at a given time and, in the absence of evidence to the contrary, the notification will be accepted as proof of the facts contained in it; if the person does not pay the toll or fee within 35 days after the invoice for the toll and fee is sent, a notice of failure to pay the toll will be issued to the person; the person may dispute the alleged failure to pay to the Minister, and may appeal the Minister's decision to a dispute arbitrator; the decision of the dispute arbitrator is final; if the person fails to pay any toll, fee or interest within 90 days of receiving the notice of failure to pay, the Registrar of Motor Vehicles will refuse to validate or issue a vehicle permit for or to the person.

The Minister is authorized to enter into an agreement with a person or entity to collect and enforce payment of the tolls, fees and interest that are owed to the Crown. That person or entity may also be authorized to perform additional activities related to the collection and enforcement of the tolls, fees and interest, and to charge an administrative fee payable to the person or entity for those activities.

Consequential amendments are made to the *Highway Traffic Act*.

The Schedule to section 46 of the Act is re-enacted to include the *High Occupancy Toll (HOT) Lanes Act, 2017*; the effect is that a person's driver's licence may be suspended for failure to pay a fine imposed on conviction under that Act.

Part X.1 (Toll Highways) of the Act is amended as follows:

The definition of "toll highway" is expanded to include HOT lanes. For non-HOT lane toll highways, the Lieutenant Governor in Council continues to be authorized to prescribe toll devices and how to affix them to a vehicle. The Minister of Transportation, however, is authorized to prescribe toll devices for HOT lanes, how to affix them and the setting at which they must be set.

A toll device for HOT lanes may be any kind of device that denotes permission to use HOT lanes, including a device that is the same as or similar to a toll device prescribed for use on non-HOT lane toll highways or a sticker. A person is not required to set their toll device to a prescribed setting in order to drive on an HOT lane if they submit a notification under the *High Occupancy Toll (HOT) Lanes Act, 2017* to the Ministry that attests to the number or minimum number of occupants in the vehicle. The notification is proof, in the absence of evidence to the contrary, of the number or minimum number of occupants in the vehicle.

The Lieutenant Governor in Council continues to have the authority to exempt any vehicle or class of vehicles from the requirement to be equipped with a toll device for non-HOT lane toll highways. The Minister of Transportation is authorized to exempt any vehicle or class of vehicles from that requirement for HOT lanes.

Consequential amendments, to change cross-references to re-enacted provisions of the *Highway Traffic Act*, are made to the *Highway 407 Act, 1998* and the *Highway 407 East Act, 2012*.

## **SCHEDULE 20 INDIGENOUS INSTITUTES ACT, 2017**

The Schedule enacts the *Indigenous Institutes Act, 2017*. The Schedule provides for the role of a Ministry-recognized Council. The role includes,

- (a) recommending to the Minister which Indigenous Institutes to prescribe for the purposes of receiving funding to provide post-secondary education and training;
- (b) providing approval, based on recommendations made by a quality assurance board, to Indigenous Institutes to grant diplomas, certificates and degrees; and
- (c) applying prescribed criteria to determine whether Indigenous Institutes should be prescribed for the purposes of using the term "university" or any derivation of it.

The Schedule also provides that certain provisions of the *Post-secondary Education Choice and Excellence Act, 2000* do not apply to Indigenous Institutes approved by the Council.

## **SCHEDULE 21 INSURANCE ACT**

The Schedule amends the *Insurance Act*. Here are some highlights:

1. The Act is amended to provide the Financial Services Regulatory Authority of Ontario (the Authority) with rule-making authority over certain matters. The Lieutenant Governor in Council is also given regulation-making authority over all matters in respect of which the Authority may make rules. Consequential and complementary amendments are also made.
2. A new section 129.1 of the Act provides that if a contract excludes coverage for loss or damage to property caused by a criminal or intentional act or omission of an insured or other person, the exclusion only applies to the claim of a

person whose act or omission caused the loss or damage, who abetted or colluded in the act or omission, who consented to the act or omission and who knew or ought to have known that the act or omission would cause the loss or damage, or who is in a class prescribed by the regulations.

3. Section 410 of the Act (application re risk classification system, rates) is amended to provide that the Superintendent may order an insurer to apply to the Superintendent for approval of the risk classification system and rates it intends to use in respect of coverages and categories of automobile insurance. The section is also amended to provide that a decision of the Superintendent made under the section is final. Section 411 of the Act (reconsideration by Superintendent) is re-enacted to provide that the Superintendent may notify an insurer of the Superintendent's intention to make an order with respect to certain matters, and the insurer is to be given an opportunity to make written submissions with respect to the matter.

#### **SCHEDULE 22 INTERIM APPROPRIATION FOR 2018-2019 ACT, 2017**

The Schedule enacts the *Interim Appropriation for 2018-2019 Act, 2017*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2019 up to specified maximum amounts. All expenditures made or recognized under the Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2019.

#### **SCHEDULE 23 LAND TRANSFER TAX ACT**

Currently, section 3 of the *Land Transfer Tax Act* provides that the tax in respect of a disposition of a beneficial interest in land is payable on the 30th day after the date of the disposition. New subsection 3 (2.1) authorizes the Minister to make regulations prescribing different rules respecting when the tax is payable.

Under subsection 5 (7) of the Act, a person liable to pay tax under section 3 is required to deliver a return in a form approved by the Minister. The subsection is amended to also require the return to be delivered in the manner approved by the Minister.

An amendment to subsection 8 (7) of the Act requires the Minister to deliver a statement of disallowance to a person if their application for a rebate is refused in whole or in part.

#### **SCHEDULE 24 LIQUOR CONTROL ACT**

The Schedule amends the *Liquor Control Act* as a consequence of amendments made elsewhere in this Bill to the *Wine Content and Labelling Act, 2000*. The Schedule also makes technical amendments respecting the name of the *Wine Content and Labelling Act, 2000*.

#### **SCHEDULE 25 MINING TAX ACT**

A technical amendment is made to the *Mining Tax Act*.

#### **SCHEDULE 26 MINISTRY OF REVENUE ACT**

The Schedule amends the *Ministry of Revenue Act*.

The amendments make prescribed administrative entities subject to the rules regarding the collection, use and disclosure of information in section 11.5 of the Act. They also allow the Minister to publish or otherwise make available to the general public information regarding persons convicted of an offence under various statutes.

#### **SCHEDULE 27 MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006**

The *Mortgage Brokerages, Lenders and Administrators Act, 2006* is amended to provide the Financial Services Regulatory Authority of Ontario (the Authority) with rule-making authority over certain matters. The Lieutenant Governor in Council is also given regulation-making authority over all matters in respect of which the Authority may make rules. Consequential and complementary amendments are also made.

#### **SCHEDULE 28 MUNICIPAL ACT, 2001**

The Schedule amends the section of the *Municipal Act, 2001* that provides for the vacant unit rebate program. Among other things, certain rules about applications under the program are amended. Prescribed municipalities may impose additional or alternate requirements for the program within their local municipality. The Minister is given additional powers to make regulations with respect to the program, including prescribing how the amount of a tax rebate with respect to a property is to be shared by the municipalities and the school boards that share in the revenue from the taxes on the property. A regulation in respect of the program may be retroactive.



Section 329 of the Act currently provides that property tax increases may be capped for business properties and that adjustments may be made by regulation for changes in municipal taxes. Section 329 of the Act is amended to allow such adjustments to be made in respect of changes in school taxes as well.

#### **SCHEDULE 29 MUNICIPAL PROPERTY ASSESSMENT CORPORATION ACT, 1997**

The *Municipal Property Assessment Corporation Act, 1997* is amended to provide that the Minister may issue written directives to the Municipal Property Assessment Corporation and that the Corporation must enter into one or more memoranda of understanding with the Minister concerning the Corporation's ongoing activities.

#### **SCHEDULE 30 OCCUPATIONAL HEALTH AND SAFETY ACT**

The Schedule amends the *Occupational Health and Safety Act* to do the following:

1. Require an employer to notify a Director under the Act if a committee or a health and safety representative has identified potential structural inadequacies of a workplace as a source of danger or hazard to workers.
2. Allow for regulations to expand the circumstances in which persons are required to report an accident or other incident under section 53 of the Act and to require additional notices to be provided in the circumstances described in sections 51, 52 and 53 of the Act.
3. Increase the maximum fine under section 66 of the Act payable by a person upon conviction of an offence under the Act.
4. Amend the limitation period for bringing a prosecution under the Act or the regulations.

#### **SCHEDULE 31 ONTARIO ENERGY BOARD ACT, 1998**

The Schedule amends the *Ontario Energy Board Act, 1998* with respect to the authority of the Lieutenant Governor in Council to make regulations.

Currently, the Act provides the Lieutenant Governor in Council with authority to make regulations requiring a distributor to take into account, for billing purposes, any electricity conveyed into the distribution system by a generator where the electricity is generated primarily for the generator's own use. The Schedule amends the Act to specify that the Lieutenant Governor in Council may make regulations requiring the distributor to apply any resulting credit in accordance with prescribed methods or criteria.

The Act is also amended to authorize the Lieutenant Governor in Council to make similar regulations in circumstances where a generator is not generating the electricity primarily for the generator's own use:

1. One possible arrangement involves the generator and consumer entering into an agreement that meets prescribed criteria, with any credit to be applied to the consumer.
2. Another possible arrangement involves distributors and other persons implementing prescribed pilot or demonstration projects, where an agreement has been entered into between specified parties, including consumers to be billed as part of the project.

#### **SCHEDULE 32 ONTARIO LABOUR MOBILITY ACT, 2009**

The Schedule amends the *Ontario Labour Mobility Act, 2009* to include updated references to the Canadian Free Trade Agreement and the Minister of Advanced Education and Skills Development.

#### **SCHEDULE 33 PENSION BENEFITS ACT**

The Schedule amends the *Pension Benefits Act* in respect of the following matters:

##### **Financial Services Regulatory Authority of Ontario — rule-making**

The Act is amended to provide the Financial Services Regulatory Authority of Ontario (the Authority) with rule-making authority over certain matters. The Lieutenant Governor in Council is also given regulation-making authority over all matters in respect of which the Authority may make rules. Consequential and complementary amendments are also made.

##### **Funding and governance policies**

Section 10 of the Act is amended to require that the documents that create and support a pension plan include a funding policy and governance policy of the pension plan. Administrators of pension plans that have applied for registration before the amendment comes into force must also file with the Superintendent a funding policy and governance policy.

### **Registry for missing beneficiaries**

New section 30.2 of the Act requires the Superintendent to establish, maintain and operate an electronic registry relating to beneficiaries who are missing. Administrators of pension plans must notify the Superintendent if a beneficiary cannot be located and the Superintendent must record the specified information in the registry. A person may make a request to the Superintendent to determine if they, or someone they are authorized to act on behalf of, are a beneficiary recorded in the registry. The Superintendent is required to give the specified information to the person, if provided satisfactory proof that they are a beneficiary recorded in the registry or are authorized to act on behalf of such a beneficiary. If an administrator locates a missing beneficiary, the administrator must notify the Superintendent and the information relating to the beneficiary must be removed from the registry.

### **Purchase of pension, deferred pension or ancillary benefit from insurance company**

Currently, section 43 of the Act provides that the administrator of a pension plan who is required by the pension plan to provide a pension, a deferred pension or an ancillary benefit may purchase the pension, deferred pension or ancillary benefit from an insurance company. The Act is amended to add a new section 43.1, which provides that if the administrator of a single employer pension plan has complied with certain requirements in respect of the purchase of a pension, deferred pension or ancillary benefit, the administrator is discharged. Despite the discharge, a former member or retired member for whom the pension or benefit is purchased retains the same rights with respect to payment of surplus from the pension plan when it winds up as former members and retired members who are entitled to payments under the pension plan as of the date of the wind up.

A technical amendment is made to the French version of subsection 43 (1) of the Act.

### **Provision for adverse deviations**

Section 1 of the Act is amended by adding a definition of “provision for adverse deviations”, which has the meaning set out in the regulations.

Currently, unproclaimed section 55.1 of the Act permits employers and members to reduce or suspend contributions for normal cost of the pension plan in certain circumstances. Amendments are made to also permit members of jointly sponsored pension plans and employers to reduce or suspend any required contributions for the provision for adverse deviations in respect of the normal cost of the pension plan in certain circumstances.

Currently, subsection 79 (1) of the Act provides that the Superintendent shall not consent to the payment of surplus to an employer out of a continuing pension plan unless certain requirements are met. Amendments are made to add a requirement that at least twice the provision for adverse deviations in respect of the normal cost of the pension plan must be retained in the pension fund as surplus.

### **Amendments relating to solvency deficiency and surplus**

In various provisions of the Act, references to “solvency deficiency” are changed to “reduced solvency deficiency”. “Reduced solvency deficiency” is defined as having the meaning set out in the regulations. Further, in provisions relating to contribution holidays in unproclaimed section 55.1 of the Act, references to “surplus” are changed to “available actuarial surplus”. “Available actuarial surplus” is defined as the portion of a pension plan’s surplus that is determined in accordance with the regulations.

### **Target benefits**

Currently, unproclaimed section 39.2 of the Act governs target benefits, including setting out criteria that must be satisfied for benefits provided by a pension plan to be target benefits. The section is repealed and re-enacted to add new criteria and to make technical changes to some of the existing criteria. A new subsection provides that a pension plan shall not provide both defined benefits and target benefits, except as otherwise prescribed. The current versions of subsections 39.2 (3) and (4) of the Act are not re-enacted.

A new section 81.0.2 of the Act governs the conversion of benefits provided by a multi-employer pension plan to target benefits, where the conversion is proposed to be implemented by amending the pension plan. Notice of a proposed conversion must be given to the members, former members, retired members and other persons entitled to benefits under the pension plan, to the participating employers, to any trade union that represents members of the plan and to the Superintendent. The administrator of the pension plan must consult with any trade union that represents members of the pension plan. The prior consent of the Superintendent to the conversion is also required. The criteria to be considered by the Superintendent are specified. The section contains provisions conferring immunity on the Crown in specified circumstances.

An amendment is also made to the unproclaimed definition of “target benefit” in subsection 1 (1) of the Act.

### **Pension Benefits Guarantee Fund**

Subsection 84 (1) of the Act lists the benefits and contributions that are guaranteed by the Pension Benefits Guarantee Fund. Amendments are made to remove requirements regarding the age and years of employment or membership that members and former members must meet for their benefits to be guaranteed by the Fund, if the date of the wind up of the pension plan is on or after the day the amendments come into force.

Section 85 of the Act governs pension benefits that are not guaranteed by the Pension Benefits Guarantee Fund. Currently, the amount of a pension or pension benefit, including any bridging supplement, in excess of \$1,000 per month is not guaranteed by the Fund. The section is amended to provide that an amount of a pension or pension benefit, including any bridging benefit, in excess of \$1,500 is not guaranteed by the Fund, if the date of the wind up is on or after the day the amendments come into force.

#### **Payments on wind up of pension plan — exemption**

Section 75 of the Act currently governs the amounts that an employer must pay into the pension fund when a pension plan is wound up. A new subsection 75 (2.1) of the Act provides that one of the amounts set out in subsection 75 (1) does not apply in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

#### **Variable benefits**

The Act is amended in connection with variable benefits. The amendments provide that the specified beneficiary of a retired member for whom a variable benefit account has been established is entitled to receive statements about the pension plan or about the variable benefit account and to transfer amounts out of the variable benefit account in accordance with the Act. The amendments also provide that the specified beneficiary may designate a beneficiary with respect to the death benefit on the specified beneficiary's death. The priority of payments of the death benefit is established.

#### **Special rules, Essar Steel Algoma Inc.**

The Act is amended by adding a new section 102.2 with respect to listed pension plans for which Essar Steel Algoma Inc. is the employer. Subject to certain conditions, the section permits the making of regulations that exempt Essar Steel Algoma Inc. or a successor employer from subsection 57 (3), (4), (5) or (6) of the Act.

### **SCHEDULE 34 PROFESSIONAL ENGINEERS ACT**

The Schedule makes various amendments to the *Professional Engineers Act*.

1. Subsections 5 (2) and 22 (1) of the Act are amended to remove references to the continuing jurisdiction of the Association of Professional Engineers of Ontario ("Association") in specified circumstances. Section 22.1 is enacted in order to set out a comprehensive provision dealing with the Association's continuing jurisdiction over holders of licences, temporary licences, provisional licences, limited licences and certificates of authorization that have been cancelled, revoked or suspended.
2. The regulation-making authority in paragraph 27 of subsection 7 (1) of the Act is re-enacted to provide authority for the making of regulations under the Act governing the continuing education of holders of temporary licences, provisional licences and limited licences as well as of members, including sanctions for non-compliance.
3. Subsection 8 (3) of the Act is re-enacted to change how by-laws made by the Council of the Association may be confirmed, if confirmation is required.
4. Subsection 14 (2) of the Act, which provides for the circumstances in which the Registrar may refuse to issue a licence, is re-enacted both to add to the circumstances in which the Registrar may exercise the power, as well as to add a power to suspend or revoke a licence in the specified circumstances. Complementary amendments are made to sections 15, 18 and 19.
5. Subsection 21 (1) of the Act is amended to require that specified information respecting hearings before the Discipline Committee must appear in registers required by that section. Subsection 21 (4) is added to provide that information contained in the registers may be made available electronically.
6. Clause 27 (5) (a) of the Act is re-enacted to alter the requirements respecting the composition of panels of the Discipline Committee that may hear matters referred to the Committee.
7. Section 30 of the Act is amended to allow members of the public to obtain, on payment of a fee, copies of documentary evidence and of transcripts of oral evidence in proceedings before the Discipline Committee.
8. Section 38 of the Act is amended to permit the Registrar to release information that is usually subject to confidentiality under that section, if there are reasonable grounds to believe that there may be a risk of harm to any person or property or to the public welfare.

### **SCHEDULE 35 PROVINCIAL OFFENCES ACT**

The Schedule amends the *Provincial Offences Act* and makes consequential amendments to several other Acts. The major elements of the Schedule are set out below.

1. The definition of a "prosecutor" is amended to include persons acting on behalf of a municipality under a transfer agreement.

2. Offence notices under Part I must indicate that the notice of intention to appear may be filed in person. They must also indicate that an early resolution meeting is available, unless they indicate that the notice of intention to appear may be filed by mail.
3. The existing procedure for meeting with the prosecutor to resolve an offence under Part I of the Act is replaced with a new procedure for early resolution meetings between the defendant and the prosecutor. Early resolution meetings may be conducted in person, in real time by electronic method or, if the offence notice indicates that this option is available, through the exchange of written electronic communications. The procedures that apply to meetings conducted in person or in real time by electronic method are set out, and a regulation-making power is provided to set out the procedure for written electronic communication meetings.
4. The defendant and the prosecutor may agree in an early resolution meeting that the defendant will plead guilty to the offence, a substituted offence or a substituted allegation related to the offence and either pay the set fine or make submissions as to the amount of the fine or the time to pay the fine. The defendant may abandon an agreement to plead guilty and not make submissions before a justice within 15 days after signing it, in which case the matter will proceed to trial. If submissions are to be made, the justice who hears the submissions may enter a conviction and impose a fine at his or her discretion or may choose not to accept the guilty plea and instead set the matter to trial.
5. Section 9 of the Act is amended to continue to provide that a person is deemed not to dispute a charge if they request an early resolution meeting but do not attend it. It is also amended to permit the clerk of the court to examine the certificate of offence when the defendant is deemed not to dispute a charge and enter a conviction if it is not defective. A person convicted as a result of this examination can apply to a justice to re-examine the certificate and determine if it is defective or is otherwise not complete and regular on its face.
6. The procedure in section 11 of the Act for defendants who have been convicted without a hearing to apply to strike out a conviction is amended to permit the clerk of the court to strike out the conviction if satisfied that the defendant was, through no fault of their own, unable to attend an early resolution meeting or appear for a hearing or did not receive delivery of a notice or document relating to the offence. If the clerk of the court does not strike out the conviction, he or she must forward the application to a justice for review.
7. Section 48.1 (Certified Evidence) is amended to apply to proceedings under Part I or II for which a set fine has been specified for the offence or if the offence is specified by the regulations.
8. A new process is provided to authorize the clerk of the court to grant applications for extensions or further extensions of the time for payment of a fine after the fine has been imposed. If the clerk does not grant the application, it is forwarded to a justice for review.
9. New section 69.2 requires persons with multiple fines in default to pay them in order of default date.
10. Section 70 is amended to provide that administrative monetary penalties imposed for defaults are not affected by an extension of the time to pay the fine. It also clarifies that a fine may result in multiple administrative penalties if it goes into default multiple times after extensions of the time to pay.
11. Section 83.1 is amended to require courthouses to be equipped to allow remote attendance of early resolution meetings if the availability of those meetings is indicated in the offence notice.
12. Municipalities can now be authorized by agreement with the Attorney General to conduct any prosecution under the Act or the *Contraventions Act* (Canada) and are no longer restricted to proceedings commenced under Part I or II of the Act.
13. Several technical amendments are made to the French version of the Act. Consequential amendments are made to the *City of Toronto Act, 2006*, the *Highway Traffic Act*, the *Municipal Act, 2001* and the *Safer School Zones Act, 2017*. The amendments to the *Highway Traffic Act* include amendments that repeal sections in Part XIV.2 of that Act and allow related provisions in the *Provincial Offences Act* to apply.

### **SCHEDULE 36**

### **REGISTERED INSURANCE BROKERS ACT**

The Schedule amends the *Registered Insurance Brokers Act*.

The amendments provide for the continuing jurisdiction of the Corporation in respect of suspended members and individuals who resign as members, or whose membership is revoked, regarding their conduct as a member.

The ability of the Council to make by-laws fixing maximum fines that may be imposed upon members found guilty of misconduct is repealed. The requirement for hearings of the Discipline Committee to be closed to the public, except in certain circumstances, is repealed. The evidence provisions are amended to require the findings of fact of the Qualification and Registration Committee and of the Discipline Committee to be based exclusively on evidence admissible or matters that may be noticed under the *Statutory Powers Procedure Act*.

### **SCHEDULE 37 SECURITIES ACT**

The Schedule amends the *Securities Act*.

The Schedule to the Act is repealed and consequential amendments are made to the definition of rules and to other sections of the Act.

The purposes of the Act are expanded to include contributing to the stability of the financial system and the reduction of systemic risk.

Market participants are required to keep certain prescribed records and may be required to deliver them to the Commission.

The exemptions in subsections 35 (4) and 73.2 (3) from the registration and prospectus requirements are repealed.

Section 87 is amended to provide that the chair at a meeting must conduct a vote by way of ballot if circumstances prescribed by the regulations exist.

Section 121.5 is amended to add a procedure for an employee to complain to an arbitrator or to the court if the employee has been subject to a reprisal prohibited by that section.

Subsection 127 (8) is amended so that the Commission is permitted to extend additional types of temporary orders.

The Commission is also given a new rule-making power regarding meetings of the security holders of a reporting issuer.

### **SCHEDULE 38 SERVICES AND SUPPORTS TO PROMOTE THE SOCIAL INCLUSION OF PERSONS WITH DEVELOPMENTAL DISABILITIES ACT, 2008**

A correction is made to the French version of subsection 28 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*.

Section 44 of the Act, which is an unproclaimed transition rule, is repealed.

Section 64 of the Act is amended to provide that currently unproclaimed provisions of the Act will come into force on July 1, 2023.

### **SCHEDULE 39 SUPPLEMENTARY INTERIM APPROPRIATION FOR 2017-2018 ACT, 2017**

The Schedule enacts the *Supplementary Interim Appropriation for 2017-2018 Act, 2017*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2018 up to specified maximum amounts. The expenditures authorized are in addition to those authorized under the *Interim Appropriation for 2017-2018 Act, 2016*. All expenditures made or recognized under the *Interim Appropriation for 2017-2018 Act, 2016* and this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2018.

### **SCHEDULE 40 TAXATION ACT, 2007**

The Schedule amends the *Taxation Act, 2007*. Here are some highlights:

1. New subsections 9 (6.1) and (7.1) establish a non-refundable tax credit, the Ontario caregiver tax credit, for the 2017 and subsequent taxation years for individuals who have infirm dependants. Subsections 9 (5) and (6) of the Act are amended such that the current tax credits for in-home care of a relative and for infirm dependants described in those respective subsections apply only to taxation years ending before January 1, 2017. Consequential amendments are also made.
2. Currently under subsection 31 (1) of the Act, a corporation may make an Ontario small business deduction if the corporation has made a deduction under section 125 of the Federal Act or would be entitled to make a deduction in a specified circumstance. The subsection is amended so that a corporation may make such a deduction only if it has made a deduction under section 125 of the Federal Act.
3. Subsection 31 (4) of the Act sets out rules for calculating a corporation's small business deduction rate for a taxation year. The subsection is amended to provide that the deduction rate for a taxation year ending after December 31, 2017 is 8 per cent.
4. Section 35 of the Act provides for a tax reduction for credit unions. Currently, the reduction is calculated, in part, based on the preferred-rate amount calculated under section 137 of the Federal Act. The section is amended such that the reduction is calculated using a preferred-rate that is the preferred-rate under section 137 of the Federal Act with specified modifications.
5. Section 89 of the Act provides for the apprenticeship training tax credit. Subsection 89 (7) of the Act is amended to provide that a qualifying apprenticeship program must be commenced on or before a specified date for a taxpayer to be eligible for a tax credit in respect of the program.

6. Section 103.0.1 of the Act provides for the Ontario seniors' public transit tax credit. Currently, the definition of "eligible public transit pass" in subsection 103.0.1 (1) is a specified document that allows its holder or owner to use specified public transit services on an unlimited number of occasions during a period of at least one day. This definition is amended to provide that a document is an "eligible public transit pass" if it allows for use of the public transit services on more than one occasion during a period of at least one day.
7. Subsection 103.0.1 (3) of the Act sets out the manner in which the Ontario seniors' public transit tax credit is calculated. The subsection is amended to only include amounts paid by the individual claiming the credit for the purposes of calculating the amount of the credit.

#### **SCHEDULE 41 TAXPAYER PROTECTION ACT, 1999**

Currently, subsection 2 (4) of the *Taxpayer Protection Act, 1999* provides that the Minister of Finance shall not make a regulation under the *Provincial Land Tax Act, 2006* that increases the average tax rate under that Act, unless a referendum authorizes the increase. The Schedule adds subsection 2 (4.2) to the Act that creates an exception to subsection 2 (4) for any regulation made under the *Provincial Land Tax Act, 2006* that increases the average tax rate if the regulation is made on or after the day the Schedule comes into force and before July 1, 2018.

#### **SCHEDULE 42 TOBACCO TAX ACT**

The Schedule amends the *Tobacco Tax Act*. The more significant amendments are set out below.

1. The provisions setting out the grounds on which the Minister may refuse to designate a person, or issue a registration certificate or permit to a person, or suspend or cancel such a designation, registration certificate or permit are expanded.
2. Currently, subsection 13.5 (1) of the Act allows the Minister, subject to the approval of the Lieutenant Governor in Council, to enter into an arrangement or an agreement with a band council respecting tobacco. The amendments would allow the Lieutenant Governor in Council, if such an arrangement or agreement relates to the manufacturing, sale or transportation of tobacco on a reserve or the transportation of tobacco onto or off of a reserve, to make regulations providing that rules established by the council of a band relating to those activities apply on the reserve. The regulations may also exempt a person or kind of tobacco to which the rules apply from a provision of the Act or may modify the application of a provision of the Act to such a person or type of tobacco.
3. The amendments would require persons who import or possess cigarette filter components to keep specified records and would allow persons authorized by the Minister to audit or examine specified records related to raw leaf tobacco or cigarette filter components and to examine cigarette filter components that may be at specified premises or places.

#### **SCHEDULE 43 UNIVERSITÉ DE L'ONTARIO FRANÇAIS ACT, 2017**

The Schedule enacts the *Université de l'Ontario français Act, 2017*, which establishes the Université de l'Ontario français. The special mission of the University is to offer a range of university degrees and education in French to promote the linguistic, cultural, economic and social well-being of its students and of Ontario's French-speaking community.

#### **SCHEDULE 44 WINE CONTENT AND LABELLING ACT, 2000**

The *Wine Content and Labelling Act, 2000* is amended. The Act currently provides that a manufacturer licensed under the *Liquor Licence Act* may carry on certain activities under the supervision and control of the Liquor Control Board of Ontario. The Schedule amends the Act to provide that the Registrar of Alcohol, Gaming and Racing under the *Alcohol and Gaming Regulation and Public Protection Act, 1996* is responsible for the supervision and control instead.

#### **SCHEDULE 45 WORKPLACE SAFETY AND INSURANCE ACT, 1997**

The Schedule amend the *Workplace Safety and Insurance Act, 1997* as follows:

1. Section 13 of the Act is amended to provide that a worker is entitled to benefits for mental stress under subsection 13 (4) as if the mental stress were a personal injury by accident.
2. New section 13.1 sets out the transitional rules that apply for the purpose of determining entitlement to benefits under subsection 13 (4) (mental stress).
3. A reference to the *Winding-up and Restructuring Act* (Canada) is updated.
4. New section 173.1 provides that the Appeals Tribunal may contract with any other person for any purpose that the chair considers necessary, and the Appeals Tribunal is deemed to be a person for the purposes of the contract and is a party to the contract.

5. Section 174 of the Act is amended to provide that the chair of the Appeals Tribunal may appoint a panel of three or five members to hear and decide an appeal or other matter conferred upon the Appeals Tribunal.

## SCHEDULE 46

### VARIOUS STATUTES — ANNUAL REPORTS BY PROVINCIAL AGENCIES

#### Overview

The Schedule replaces the annual reporting requirements of a number of provincial agencies.

The list below sets out the agencies affected, listed in the same order in which they are addressed in the Schedule.

The Schedule contains provisions dealing with the content of annual reports, as well as timelines for when reports must be prepared, provided to the Minister with responsibility respecting the agency and made available to the public. Provisions about submitting annual reports to the Lieutenant Governor in Council are removed, while requirements to table them in the Legislative Assembly are maintained. Some aspects of these matters, where not set out in statute, may be set out by Management Board of Cabinet directives or by the agency's responsible Minister.

#### List of agencies affected

1. Every adjudicative tribunal.
2. AgriCorp.
3. Agricultural Research Institute of Ontario.
4. Alcohol and Gaming Commission of Ontario.
5. Algonquin Forestry Authority.
6. Eastern Ontario Development Fund Corporation (not yet proclaimed).
7. Southwestern Ontario Development Fund (not yet proclaimed).
8. The Ontario Cancer Treatment and Research Foundation.
9. Ontario Financing Authority.
10. Ontario Transportation Capital Corporation.
11. Ontario Clean Water Agency.
12. Death Investigation Oversight Council.
13. Judicial Appointments Advisory Committee.
14. Deposit Insurance Corporation of Ontario.
15. Education Quality and Accountability Office.
16. Ontario Electricity Financial Corporation.
17. Fairness Commissioner (*Fair Access to Regulated Professions and Compulsory Trades Act, 2006*).
18. Every board established under the *Farm Products Payments Act*.
19. Financial Services Commission of Ontario.
20. Physician Payment Review Board.
21. Fish and Wildlife Heritage Commission.
22. Higher Education Quality Council of Ontario.
23. Human Rights Tribunal of Ontario.
24. Human Rights Legal Support Centre.
25. Justices of the Peace Appointments Advisory Committee.
26. Legal Aid Ontario.
27. Each local health integration network.
28. Metrolinx.
29. Metropolitan Toronto Convention Centre Corporation.
30. Ontario Parole Board.
31. Health Professions Appeal and Review Board.

32. Health Services Appeal and Review Board.
33. The Niagara Parks Commission.
34. Northern Ontario Heritage Fund Corporation.
35. Ontario Agency for Health Protection and Promotion.
36. Ontario Capital Growth Corporation.
37. The Ontario Educational Communications Authority.
38. Ontario Energy Board.
39. Ontario Food Terminal Board.
40. Each Ontario local forest management corporation.
41. Ontario French-language Educational Communications Authority.
42. Ontario Heritage Trust.
43. Ontario Highway Transport Board.
44. Ontario Infrastructure and Lands Corporation.
45. Ontario Lottery and Gaming Corporation.
46. Ontario Mental Health Foundation.
47. Ontario Mortgage and Housing Corporation.
48. Ontario Municipal Board.
49. Ontario Northland Transportation Commission.
50. Ontario Place Corporation.
51. Ottawa Convention Centre Corporation.
52. Pay Equity Commission.
53. Ontario Civilian Police Commission.
54. Public Service Commission.
55. Conflict of Interest Commissioner.
56. Landlord and Tenant Board.
57. Ontario Securities Commission.
58. St. Lawrence Parks Commission.
59. Toronto Islands Residential Community Trust Corporation.
60. Trillium Gift of Life Network.
61. Workplace Safety and Insurance Board.



## An Act to implement Budget measures and to enact and amend various statutes

### CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Broader Public Sector Executive Compensation Act, 2014
Schedule 2	Building Code Act, 1992
Schedule 3	Child Care and Early Years Act, 2014
Schedule 4	Child, Youth and Family Services Act, 2017
Schedule 5	City of Ottawa Act, 1999
Schedule 6	City of Toronto Act, 2006
Schedule 7	Commodity Futures Act
Schedule 8	Community Small Business Investment Funds Act, 1992
Schedule 9	Co-operative Corporations Act
Schedule 10	Corporations Act
Schedule 11	Crown Employees Collective Bargaining Act, 1993
Schedule 12	Education Act
Schedule 13	Election Finances Act
Schedule 14	English and Wabigoon Rivers Remediation Funding Act, 2017
Schedule 15	Family Law Act
Schedule 16	Financial Services Regulatory Authority of Ontario Act, 2016
Schedule 17	Financial Services Tribunal Act, 2017
Schedule 18	Green Energy Act, 2009
Schedule 19	High Occupancy Toll (hot) Lanes Act, 2017
Schedule 20	Indigenous Institutes Act, 2017
Schedule 21	Insurance Act
Schedule 22	Interim Appropriation for 2018-2019 Act, 2017
Schedule 23	Land Transfer Tax Act
Schedule 24	Liquor Control Act
Schedule 25	Mining Tax Act
Schedule 26	Ministry of Revenue Act
Schedule 27	Mortgage Brokerages, Lenders and Administrators Act, 2006
Schedule 28	Municipal Act, 2001
Schedule 29	Municipal Property Assessment Corporation Act, 1997
Schedule 30	Occupational Health and Safety Act
Schedule 31	Ontario Energy Board Act, 1998
Schedule 32	Ontario Labour Mobility Act, 2009
Schedule 33	Pension Benefits Act
Schedule 34	Professional Engineers Act
Schedule 35	Provincial Offences Act
Schedule 36	Registered Insurance Brokers Act
Schedule 37	Securities Act
Schedule 38	Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008
Schedule 39	Supplementary Interim Appropriation for 2017-2018 Act, 2017
Schedule 40	Taxation Act, 2007
Schedule 41	Taxpayer Protection Act, 1999
Schedule 42	Tobacco Tax Act
Schedule 43	Université De L'ontario Français Act, 2017
Schedule 44	Wine Content and Labelling Act, 2000
Schedule 45	Workplace Safety and Insurance Act, 1997
Schedule 46	Various Statutes — Annual Reports by Provincial Agencies

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Stronger, Fairer Ontario Act (Budget Measures), 2017*.**

**SCHEDULE 1**  
**BROADER PUBLIC SECTOR EXECUTIVE COMPENSATION ACT, 2014**

**1 The definition of “Minister” in subsection 1 (1) of the *Broader Public Sector Executive Compensation Act, 2014* is repealed and the following substituted:**

“Minister” means the minister to whom the administration of this Act is assigned under the *Executive Council Act*, except in,

- (a) subsection 6 (4), where it means a minister, and
- (b) sections 13 and 15, where it means the minister whose ministry funds, oversees or otherwise usually deals with the relevant designated employer; (“ministre”)

**2 Subsection 4 (4) of the Act is repealed.**

**3 Section 6 of the Act is amended by adding the following subsections:**

**Decisions by Minister**

(4) A compensation framework may authorize a Minister to make a particular specified decision that, in the opinion of the Minister, is appropriate, on a case-by-case basis.

**Same, transition**

(5) A compensation framework may provide that an authorization under subsection (4) applies to a decision on a matter that was still outstanding when the authorization came into force.

**Commencement**

**4 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 2  
BUILDING CODE ACT, 1992**

**1 Subsection 1 (1) of the *Building Code Act, 1992* is amended by adding the following definitions:**

“building condition evaluation” means an evaluation conducted under a building condition evaluation program; (“évaluation de l’état du bâtiment”)

“building condition evaluation program” means a program established under subsection 34 (2.3); (“programme d’évaluation de l’état des bâtiments”)

“building owner” means, in respect of a building,

- (a) the registered owner of the land on which the building is located or, if the building is owned separately from the land on which the building is located, the owner of the building, unless the person is a person prescribed in the building code,
- (b) the person that is responsible for maintaining the building or part of the building subject to a building condition evaluation program, unless the person is a person prescribed in the building code, and
- (c) such other persons as may be prescribed; (“propriétaire du bâtiment”)

**2 (1) Section 1.1 of the Act is amended by adding the following subsections:**

**Role of building owners**

(4.1) It is the role of a building owner,

- (a) to ensure that the building or part of the building is maintained, repaired and evaluated in accordance with this Act and the building code; and
- (b) to ensure documents, records and other information about the building are kept and provided in accordance with this Act and the building code.

**Role of persons conducting building condition evaluations**

(4.2) It is the role of a person who conducts a building condition evaluation,

- (a) to carry out the responsibilities of that person under a building condition evaluation program in accordance with this Act and the building code; and
- (b) to perform the role described in clause (a) in respect of only those matters for which the person has the qualifications, if any, required by this Act and the building code.

**(2) Clause 1.1 (6) (d) of the Act is amended by adding “in an independent manner and” after “duties”.**

**(3) Clause 1.1 (7) (c) of the Act is amended by adding “in an independent manner and” after “duties”.**

**3 Subsection 5 (1) of the Act is amended by striking out “adjacent to territory without municipal organization”.**

**4 (1) Clause 7 (1) (c) of the Act is repealed and the following substituted:**

- (c) requiring the payment of fees and prescribing the amounts of the fees,
  - (i) on application for and on issuance of permits,
  - (ii) for maintenance inspections,
  - (iii) for providing documentation, records or other information under section 15.10.4, and
  - (iv) for providing information under subsection 15.10.6 (2);

**(2) Subsection 7 (3) of the Act is amended by striking out “clause (1) (c)” and substituting “subclause (1) (c) (i)”.**

**5 Subsection 8 (5) of the Act is amended by,**

- (a) striking out “the owner” and substituting “the registered owner”, and
- (b) striking out “any and all subsequent owners of the land” at the end and substituting “any person acquiring any interest in the land subsequent to the registration of the agreement”.

**6 (1) Subsection 12 (1) of the Act is repealed and the following substituted:**

**Inspection of buildings and building sites**

(1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site to determine whether or not the following are being complied with:

1. This Act.

2. The building code.
3. An order made under this Act.

**(2) Subsection 12 (5) of the Act is repealed and the following substituted:**

**Posting and making information available**

- (5) A copy of an order made under subsection (2) may be,
- (a) posted on the site of the construction or demolition in a location visible to the public;
  - (b) made available to the public by,
    - (i) posting the copy of the order on the website of the principal authority, or
    - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
  - (c) registered in the proper land registry office.

**Registration**

(6) If an order made under subsection (2) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

**Discharge**

(7) When the requirements of an order described in subsection (6) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

**Same**

(8) In the case of an order that has been made available to the public in accordance with clause (5) (b), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

**7 Subsection 13 (3) of the Act is repealed and the following substituted:**

**Posting and making information available**

- (3) A copy of an order made under this section may be,
- (a) posted on the site of the construction or demolition in a location visible to the public;
  - (b) made available to the public by,
    - (i) posting the copy of the order on the website of the principal authority, or
    - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
  - (c) registered in the proper land registry office.

**Registration**

(3.1) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

**Discharge**

(3.2) When the requirements of an order described in subsection (3.1) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

**Same**

(3.3) In the case of an order that has been made available to the public in accordance with clause (3) (b), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

**8 (1) Subsection 14 (2) of the Act is amended by adding “in a location visible to the public” at the end.**

**(2) Section 14 of the Act is amended by adding the following subsections:**

### **Making information available**

(3.1) A copy of an order made under subsection (1) may be,

- (a) made available to the public by,
  - (i) posting the copy of the order on the website of the principal authority, or
  - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office.

### **Registration**

(3.2) If an order made under subsection (1) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

### **Discharge**

(3.3) When the requirements of an order described in subsection (3.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

### **Same**

(3.4) In the case of an order that has been made available to the public in accordance with clause (3.1) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

**9 Subsection 15.2 (3) of the Act is amended by adding “in a location visible to the public” at the end.**

**10 The Act is amended by adding the following sections:**

### **Administrative penalties**

**15.4.1** (1) A municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with,

- (a) a by-law of the municipality passed under section 15.1; or
- (b) an order of an officer under subsection 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3.

### **Purpose of administrative penalties**

(2) The purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with a by-law under section 15.1 or an order under subsection 15.2 (2).

### **Monetary limit**

(3) The amount of an administrative penalty established by a municipality,

- (a) shall not be punitive in nature; and
- (b) shall not exceed the amount reasonably required to promote compliance with a by-law under section 15.1 or an order under subsection 15.2 (2).

### **Effect on offences**

(4) If a person is required by a municipality to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention.

### **Regulations**

(5) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,

- (a) granting a municipality powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
- (b) imposing conditions and limitations on a municipality’s powers with respect to administrative penalties.

### **Debt**

**15.4.2** (1) An administrative penalty imposed by a municipality on a person under section 15.4.1 constitutes a debt of the person to the municipality.

### **Amount owing added to tax roll**

(2) If an administrative penalty imposed under section 15.4.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of the municipality may add the administrative penalty to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes.

### **11 Subsection 15.8 (2) of the Act is repealed and the following substituted:**

#### **Samples**

(2) A sample taken under clause (1) (e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample.

### **12 (1) Subsection 15.9 (5) of the Act is repealed and the following substituted:**

#### **Service and posting**

(5) The order under subsection (4) shall be served on the registered owner and each person apparently in possession of the building and such other persons affected by the order as the chief building official determines and a copy of the order may be posted on the site of the building in a location visible to the public.

#### **Form of order**

(5.1) The prescribed form or the form approved by the Minister must be used for an order made under this section.

#### **Making information available**

(5.2) A copy of an order made under this section may be,

- (a) made available to the public by,
  - (i) posting the copy of the order on the website of the principal authority, or
  - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office.

#### **Registration**

(5.3) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

#### **Discharge**

(5.4) When the requirements of an order described in subsection (5.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

#### **Same**

(5.5) In the case of an order that has been made available to the public in accordance with clause (5.2) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

### **(2) Subsection 15.9 (8) of the Act is amended,**

- (a) by adding “registered” before “owner”; and
- (b) by adding “in a location visible to the public” at the end.

### **(3) Section 15.9 of the Act is amended by adding the following subsection:**

#### **Where matters addressed under building condition evaluation programs**

(12) No order may be made under this section if an order may be made under subsection 15.10.3 (2) respecting the same building or part of a building and the same subject matter.

### **13 (1) Subsection 15.10 (2) of the Act is amended,**

- (a) by adding “registered” before “owner”; and
- (b) by adding “in a location visible to the public” at the end.

**(2) Section 15.10 of the Act is amended by adding the following subsections:**

**Making information available**

(2.1) A copy of an order made under subsection (1) may be,

- (a) made available to the public by,
  - (i) posting the copy of the order on the website of the principal authority, or
  - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office.

**Registration**

(2.2) If an order made under subsection (1) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

**Discharge**

(2.3) When the requirements of an order described in subsection (2.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

**Same**

(2.4) In the case of an order that has been made available to the public in accordance with clause (2.1) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

**(3) Subsection 15.10 (4) of the Act is amended by adding “registered” before “owner”.**

**14 Section 15.10.1 of the Act is amended by adding the following subsections:**

**Making information available**

(6) A copy of an order made under subsection (2) may be,

- (a) made available to the public by,
  - (i) posting the copy of the order on the website of the principal authority, or
  - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office.

**Registration**

(7) If an order made under subsection (2) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

**Discharge**

(8) When the requirements of an order described in subsection (7) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

**Same**

(9) In the case of an order that has been made available to the public in accordance with clause (6) (a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

**15 The Act is amended by adding the following sections:**

**BUILDING CONDITION EVALUATION PROGRAMS**

**Application**

**15.10.2** (1) This section applies in respect of buildings and parts of buildings that are prescribed as subject to a building condition evaluation program under the regulations made under clause 34 (2.3) (a).



### **Maintenance of buildings**

(2) A building owner shall maintain and operate a building or part of a building to which this section applies in accordance with this Act and the building code.

### **Evaluation**

(3) A building owner shall ensure that a building or part of a building to which this section applies is evaluated in accordance with this Act and the building code.

### **Building information**

(4) The building owner shall, in accordance with this Act and the building code, keep all prescribed documentation, records or other information respecting the building or part of the building to which this section applies.

### **Same**

(5) The building owner shall, in accordance with this Act and the building code, provide a copy of the documentation, records or other information described in subsection (4) to the chief building official upon request and to such other persons as may be prescribed.

### **Inspection of buildings subject to program**

**15.10.3** (1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of,

- (a) inspecting a building or part of a building that is prescribed as subject to a building condition evaluation program;
- (b) determining whether an order made under subsection (2) or clause (8) (a) has been complied with; or
- (c) conducting a building condition evaluation or causing a building condition evaluation to be conducted where the building owner has failed to ensure that an evaluation was conducted in accordance with the regulations.

### **Order**

(2) An inspector who, upon entering upon land or into buildings under subsection (1), finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out within such time as is specified in the order.

### **Form and contents**

(3) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required.

### **Service, posting and making information available**

(4) An order made under this section shall be,

- (a) served on the registered owner and each person apparently in possession of the building and such other persons affected by the order as the chief building official determines;
- (b) posted on the site of the building in a location visible to the public;
- (c) made available to the public by,
  - (i) posting a copy of the order on the website of the principal authority, or
  - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (d) registered in the proper land registry office.

### **Registration**

(5) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served.

### **Discharge**

(6) When the requirements of an order described in subsection (5) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

### **Same**

(7) In the case of an order that has been made available to the public in accordance with clause (4) (c), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied.

### **Order respecting occupancy**

(8) If an order made under subsection (2) is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official,

- (a) may by order prohibit the use or occupancy of the building; and
- (b) may cause the building to be renovated, repaired or demolished to achieve compliance with this Act or the building code or take such other action as he or she considers necessary for the protection of the public.

### **Power of entry**

(9) For the purpose of clause (8) (b), the chief building official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant.

### **Timing**

(10) The order under clause (8) (a) is effective from the time it is posted.

### **Lien**

(11) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition or other action under clause (8) (b) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be.

### **Deemed taxes**

(12) If the building is in territory without municipal organization, the amount spent on the renovation, repair, demolition or other action under clause (8) (b) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act.

### **Request for information re buildings subject to program**

**15.10.4** Upon receiving a request from a prescribed person, a principal authority shall, in accordance with this Act and the building code, provide prescribed documentation, records or other information respecting a building or part of a building prescribed as subject to a building condition evaluation program.

### **Complaints policy re program**

**15.10.5** (1) A principal authority shall adopt and maintain a written policy with respect to,

- (a) how a person may submit a complaint to the principal authority respecting,
  - (i) the maintenance, operation or evaluation of a building or part of a building prescribed as subject to a building condition evaluation program, and
  - (ii) such other matters as may be prescribed respecting a building or a part of building mentioned in subclause (i);
- (b) the circumstances and manner in which the principal authority will respond to a complaint described in clause (a); and
- (c) how the principal authority will record complaints and other information described in subsection 15.10.6 (1).

### **Purposes**

(2) The following are the purposes of a complaints policy:

- 1. To inform persons about how information may be brought to the attention of a chief building official or inspector respecting a matter mentioned in clause (1) (a).
- 2. To clarify the types of circumstances in which the principal authority considers it appropriate to submit a complaint.

### **Contents**

(3) A complaints policy shall include the prescribed provisions and provisions respecting the prescribed matters.

### **Public notice**

(4) The principal authority shall bring the complaints policy to the attention of the public by,

- (a) posting a copy of the policy on the website of the principal authority; or
- (b) allowing members of the public, during normal business hours, to inspect and copy the policy at their own expense.

### **Record of complaints re program**

**15.10.6** (1) A principal authority shall, in accordance with this Act and the building code, maintain a record of,

- (a) complaints described in clause 15.10.5 (1) (a) that are submitted to the principal authority; and
- (b) any enforcement action taken in response to the complaint or, if no enforcement action is taken, the reasons for not taking action.

### **Information about complaints**

(2) The principal authority shall provide prescribed information about complaints and enforcement described in subsection (1) in the circumstances and in the manner prescribed.

**16 (1) Section 15.11 of the Act is amended by adding the following subsection:**

#### **Persons conducting building condition evaluations**

(6.1) A person is not eligible to conduct a building condition evaluation under this Act unless the person has the qualifications and meets the requirements set out in the building code.

**(2) Subsection 15.11 (8) of the Act is amended by striking out “Subsection (5) does not apply” at the beginning and substituting “Subsections (5) and (6.1) do not apply”.**

**(3) The heading before section 15.11 and section 15.11 of the Act are repealed and the following substituted:**

### **QUALIFICATIONS AND REGISTRATION**

#### **Chief building official**

**15.11** (1) No person shall exercise the powers or perform the duties of a chief building official unless he or she has the qualifications set out in the building code for the position and is registered in accordance with the building code.

#### **Same**

(2) Subsection (1) also applies to every inspector who has the same powers and duties as a chief building official in relation to sewage systems or to plumbing, to the extent of those powers and duties.

#### **Inspectors**

(3) No person shall exercise the powers or perform the duties of an inspector under this Act unless he or she has the qualifications set out in the building code for the position and is registered in accordance with the building code.

#### **Registered code agencies**

(4) No person shall exercise the powers or perform the duties of a registered code agency under this Act unless the person has the qualifications set out in the building code for the position and is registered in accordance with the building code.

#### **Designers**

(5) No person shall engage in any of the following activities unless the person has the qualifications set out in the building code to be a designer and is registered in accordance with the building code:

1. Prepare a design or give other information or an opinion concerning whether a building or part of a building complies with the building code, if the design, information or opinion is to be submitted to a chief building official in connection with,
  - i. an application for a permit,
  - ii. a request for the authorization referred to in subsection 8 (12) or (13), or
  - iii. a report described in paragraph 2.
2. If a general review of the construction of a building or part of a building is required by the building code, prepare a written report based on the general review.

#### **Same**

(6) In subsection (5),

“design” includes a plan, specification, sketch, drawing or graphic representation respecting the construction of a building.

#### **Persons conducting building condition evaluations**

(7) No person shall conduct a building condition evaluation under this Act unless the person has the qualifications set out in the building code to conduct the evaluation and is registered in accordance with the building code.

#### **Prohibition, false representation**

(8) No person shall represent, directly or indirectly, that the person has the qualifications or is registered as specified in this section if the person does not have those qualifications or is not registered as specified.

#### **Non application**

(9) Subsections (5) and (7) do not apply to a holder of any licence or certificate issued under the *Architects Act* or the *Professional Engineers Act*.

**17 (1) Subsection 15.12 (1) of the Act is amended by striking out “and meets the requirements set out in the building code” at the end and substituting “set out in the building code and is registered in accordance with the building code.”.**

**(2) Subsection 15.12 (2) of the Act is repealed and the following substituted:**

**Prohibition**

(2) No person shall represent, directly or indirectly, that the person has the qualifications or is registered as specified in this section if the person does not have those qualifications or is not registered as specified.

**18 (1) Subsection 15.13 (1) of the Act is amended by striking out “subsection 15.11 (5)” and substituting “subsections 15.11 (5) and (6.1)”.**

**(2) Subsection 15.13 (1) of the Act, as amended by subsection (1), is further amended by striking out “subsections 15.11 (5) and (6.1)” and substituting “subsections 15.11 (5) and (7)”.**

**19 The Act is amended by adding the following section:**

**Administrative penalties re qualifications and registration**

**15.13.1** If a person designated under paragraph 36 of subsection 34 (1) is satisfied that a person is contravening or not complying with or has contravened or failed to comply with any of the following, the designated person may, by order, impose an administrative penalty on the person in accordance with this section and the building code:

1. Section 15.11, 15.12 or 15.13.
2. A provision of the building code, as may be prescribed, related to the qualifications and registration of persons described in sections 15.11 and 15.12 and the requirement in section 15.13 for insurance coverage.
3. A condition of a registration or an order, direction or other requirement made under this Act or an obligation assumed by way of undertaking.

**20 Subsection 16 (1) of the Act is amended by striking out “15.9 and 15.10.1” in the portion before clause (a) and substituting “15.9, 15.10.1 and 15.10.3”.**

**21 (1) Clause 17.1 (1) (b) of the Act is amended by adding “or 15.10.3 (8) (b)” at the end.**

**(2) Clause 17.1 (2) (b) of the Act is amended by striking out “15.9 (10) or 15.10 (10)” and substituting “15.9 (10), 15.10 (10) or 15.10.3 (11)”.**

**(3) Subsection 17.1 (3) of the Act is amended by striking out “15.9 (10) or 15.10 (10)” and substituting “15.9 (10), 15.10 (10) or 15.10.3 (11)”.**

**22 Subsection 18 (2) of the Act is repealed and the following substituted:**

**Samples**

(2) A sample taken under clause (1) (e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample.

**23 The Act is amended by adding the following section:**

**Administrative penalties, imposed by inspector**

**18.1** (1) If an inspector is satisfied that a person is contravening or not complying with or has contravened or failed to comply with any of the following, the inspector may, by order, impose an administrative penalty on the person in accordance with this section and the building code:

1. A provision of this Act as may be prescribed.
2. A provision of the building code as may be prescribed.
3. An order, direction or other requirement made under this Act as may be prescribed.

**Same**

(2) Subsection (1) does not apply in respect of a provision of this Act, a provision of the building code or an order, direction or other requirement described in section 15.13.1.

**24 (1) Subsection 34 (1) of the Act is amended by adding the following paragraphs:**

1.0.1 prescribing persons for the purposes of the definition of “building owner” in subsection 1 (1);

. . . . .

- 17.1 prescribing documentation, records or other information for purposes of section 15.10.4, the manner in which the documentation, records or other information is to be provided and the persons to whom the documentation, records or other information is to be given;
- 17.2 prescribing matters for the purpose of subclause 15.10.5 (1) (a) (ii);
- 17.3 prescribing provisions and matters relating to policies described in subsection 15.10.5 (1);
- 17.4 governing the recording of complaints and enforcement action for the purpose of subsection 15.10.6 (1);
- 17.5 prescribing information about complaints and enforcement action to be provided under subsection 15.10.6 (2) and the circumstances and the manner in which the information is to be provided;
- 17.6 prescribing other means for indicating that the requirements of an order have been satisfied for the purpose of subsections 12 (8), 13 (3.3), 14 (3.4), 15.9 (5.5), 15.10 (2.4), 15.10.1 (9) and 15.10.3 (7);

**(2) Paragraph 33 of subsection 34 (1) of the Act is repealed and the following substituted:**

- 33. prescribing qualifications for chief building officials, inspectors, registered code agencies, designers and other persons referred to in sections 15.11 and 15.12 and related matters including,
  - i. requiring different qualifications for different classes of officials, inspectors, agencies, designers and other persons,
  - ii. requiring education, training, accreditation, continuing professional development, assessments or examinations in connection with obtaining or maintaining the required qualifications,
  - iii. establishing one or more registers identifying persons with qualifications and such other information as the regulation may require, and
  - iv. requiring fees to be paid in connection with the qualifications;
- 33.1 governing a continuing education and professional development program for chief building officials, inspectors, registered code agencies, designers and other persons referred to in sections 15.11 and 15.12, which may include establishing a process for conducting reviews;

**(3) Subparagraph 34 v of subsection 34 (1) of the Act is amended by adding “disciplinary action that may be taken, including” at the beginning.**

**(4) Paragraph 36 of subsection 34 (1) of the Act is amended by adding “and registration” after “qualifications”.**

**(5) Subsection 34 (1) of the Act is amended by adding the following paragraph:**

- 39.6 providing for the approval of an inspector who is the chief of the fire department of a municipality respecting fire safety matters and prescribing circumstances under which approval of the inspector may be required;

**(6) Section 34 of the Act is amended by adding the following subsection:**

**Building condition evaluation programs**

(2.3) The Lieutenant Governor in Council may make regulations establishing and governing programs to enforce standards prescribed under clause (2) (b) in relation to buildings other than sewage systems, including regulations,

- (a) governing the classes of buildings and area affected by or subject to the programs;
- (b) requiring a principal authority that has jurisdiction in an area affected by a program to administer the program for that area;
- (c) requiring building condition evaluations to be conducted by persons who belong to a specified class of persons, which may include a holder of any licence or certificate issued under the *Architects Act* or the *Professional Engineers Act* or a class of such holders;
- (d) governing the type and manner of building condition evaluations that are conducted under a program, the frequency of the evaluations or the manner for determining when evaluations are required;
- (e) authorizing a chief building official or inspector to require a building condition evaluation be conducted and governing the circumstances in which he or she may do so;
- (f) requiring a person described in clause (c) who conducts a building condition evaluation to prepare a report in a form approved by the Minister, that is signed by that person and that contains and confirms the prescribed information;
- (g) requiring a person described in clause (c) who prepares a report described in clause (f) to, in the prescribed circumstances and within the prescribed period, provide a copy of the report to the building owner, chief building official and other prescribed persons;

- (h) requiring a person described in clause (c) to notify the building owner, chief building official and other prescribed persons within a prescribed period if the person is of the opinion the building is unsafe within the meaning of subsection 15.9 (2) or poses an immediate danger to the health or safety of persons;
- (i) requiring such documents, records or other information as may be prescribed to be kept as prescribed by any person and providing for their production to, or inspection and examination by, prescribed persons.

**(7) Section 34 of the Act is amended by adding the following subsections:**

**Administrative penalties**

(2.4) The Lieutenant Governor in Council may make regulations establishing and governing the administrative penalties that may be imposed under section 15.13.1 and 18.1 of this Act and all matters necessary and incidental to the administration of a system of administrative penalties under this Act.

**Same**

(2.5) Without limiting the generality of subsection (2.4), the Lieutenant Governor in Council may make regulations,

- (a) prescribing the amount of an administrative penalty or providing for the determination of the amount of the penalty by prescribing the method of calculating the amount and the criteria to be considered in determining the amount;
- (b) providing for different amounts to be paid, or different calculations or criteria to be used, depending on the circumstances that gave rise to the administrative penalty or the time at which the penalty is paid;
- (c) providing for the payment of lump sum amounts and of daily amounts, prescribing the circumstances in which either or both types of amounts may be required;
- (d) prescribing the maximum amount that a person may be required to pay, whether a lump sum amount or a daily amount, and, in the case of a daily amount, prescribing the maximum number of days for which a daily amount may be payable;
- (e) specifying types of contraventions or circumstances in respect of which an administrative penalty may not be ordered;
- (f) prescribing circumstances in which a person is not required to pay an administrative penalty ordered under this Act;
- (g) providing for the form and content of an order requiring payment of an administrative penalty and prescribing information to be included in the order;
- (h) providing for the payment of administrative penalties, prescribing the person or entity to which the penalty is to be paid and providing for the investment of money received from administrative penalties, including the establishment of a special fund, and the use of such money and interest earned thereon;
- (i) prescribing procedures relating to administrative penalties.

**25 (1) Subsection 36 (4) of the Act is amended by,**

- (a) striking out “\$100,000” and substituting “\$500,000”; and
- (b) striking out “\$200,000” and substituting “\$1,500,000”.

**(2) Subsection 36 (6) of the Act is amended by striking out “or clause 15.9 (6) (a)” and substituting “or clause 15.9 (6) (a) or 15.10.3 (8) (a)”.**

**Commencement**

**26 (1) Subject to subsection (2), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:**

1. Subsections 16 (3) and 18 (2).
2. Sections 19 and 23.
3. Subsections 24 (2), (3), (4) and (7).

**SCHEDULE 3**  
**CHILD CARE AND EARLY YEARS ACT, 2014**

**1 Paragraph 2 of subsection 6 (5) of the *Child Care and Early Years Act, 2014* is repealed and the following substituted:**

2. Subject to paragraph 1, if the child care provider provides care for fewer than two children who are younger than two years old and the child care provider meets the prescribed criteria,
  - i. a child who is enrolled in and regularly attends full day junior kindergarten, full day kindergarten or grade 1 in a school operated by a school board shall not be counted on any day within the school board's school year, as defined in the *Education Act*, other than a day or part of a day prescribed by the regulations, and
  - ii. a child who is of an age such that he or she would meet the eligibility requirements for enrolment in full day junior kindergarten, full day kindergarten or grade 1 in a school operated by a school board and who is instead enrolled in and regularly attends a full day program administered by a First Nation or by the Government of Canada for First Nation children shall not be counted on any day within the school year that applies for the purposes of the program, other than a day or part of a day prescribed by the regulations.

**Commencement**

**2 This Schedule comes into force on March 1, 2018.**

**SCHEDULE 4**  
**CHILD, YOUTH AND FAMILY SERVICES ACT, 2017**

**1** Clause 98 (14) (b) of the *Child, Youth and Family Services Act, 2017* is amended by striking out “section 137” at the end and substituting “section 138”.

**Commencement**

**2** This Schedule comes into force on the day subsection 98 (14) of Schedule 1 to the *Supporting Children, Youth and Families Act, 2017* comes into force.



**SCHEDULE 5  
CITY OF OTTAWA ACT, 1999**

**Preamble**

The City of Ottawa is the capital of Canada, a bilingual country that has English and French as its two official languages.

The City of Ottawa has a by-law that recognizes its bilingual character and has adopted a languages policy to provide services in the two official languages and recognizes both official languages as having the same rights, status and privileges.

**1 Section 11.1 of the *City of Ottawa Act, 1999* is repealed and the following substituted:**

**BILINGUALISM**

**Bilingualism**

**11.1** (1) The city's bilingual character is recognized.

**By-law respecting use of English and French languages**

(2) The city shall pass a by-law under subsection 14 (1) of the *French Language Services Act*.

**Same, board of health**

(3) The by-law applies with respect to the administration of the board of health and the provision of services by the board.

**Scope and content of by-law**

(4) The scope and content of the by-law shall be as determined by the city.

**Existing by-law**

(5) For greater certainty, City of Ottawa By-law No. 2001-170 (Bilingualism) meets the requirement of subsection (2).

**Commencement**

**2 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 6  
CITY OF TORONTO ACT, 2006**

**1 (1) Paragraph 3 of subsection 291 (1) of the *City of Toronto Act, 2006* is amended by striking out “municipal purposes” at the end and substituting “municipal and school purposes”.**

**(2) Clause 291 (3) (a) of the Act is amended by striking out “municipal purposes” at the end and substituting “municipal and school purposes”.**

**2 (1) Paragraph 5 of subsection 331 (2) of the Act is amended by striking out “such later date” and substituting “such other date”.**

**(2) Paragraph 6 of subsection 331 (2) of the Act is repealed and the following substituted:**

6. Subject to paragraph 7, an owner or a person on behalf of the owner shall submit one application for a taxation year unless the Minister of Finance prescribes that more than one application may be submitted.

7. An interim application for the first six months of the taxation year may be made unless the Minister of Finance has made a regulation exempting the City from this paragraph.

**(3) Section 331 of the Act is amended by adding the following subsections:**

**Additional requirements**

(2.1) If authorized by the regulations, the City may impose additional requirements for the tax rebate program within the City, subject to any prescribed restrictions or conditions.

**Alternate requirements**

(2.2) Despite subsection (2), if authorized by the regulations and subject to any prescribed restrictions or conditions, the City may impose alternate requirements for the tax rebate program within the City, including imposing alternate requirements for a property or a portion of a property to be eligible property.

**(4) Subsection 331 (6) of the Act is amended by striking out “shall at all reasonable times and upon reasonable request be given free access to all property referred to in the application made under this section” at the end and substituting “shall, within the time, if any, prescribed by the Minister of Finance, be given free access at all reasonable times and on reasonable request to all property referred to in the application made under this section”.**

**(5) Subsection 331 (8) of the Act is amended by striking out “within such reasonable time as is set out in the letter” at the end and substituting “within such time as may be prescribed by the Minister of Finance or, if no time is prescribed, within such reasonable time as is set out in the letter”.**

**(6) Subsection 331 (9) of the Act is amended by striking out “within the time set out in the letter” and substituting “within the applicable time under that subsection”.**

**(7) Subsection 331 (11) of the Act is amended by adding “unless otherwise prescribed by the Minister of Finance” at the end.**

**(8) Subsection 331 (12) of the Act is amended by adding the following clauses:**

(a.0.0.1) prescribing circumstances under which no rebate is payable in respect of a property that would otherwise be eligible property;

. . . . .

(d.1) exempting the City from paragraph 7 of subsection (1);

(d.2) prescribing restrictions or conditions for the purpose of subsections (2.1) and (2.2);

**(9) Clause 331 (12) (f) of the Act is repealed and the following substituted:**

(f) prescribing a date for the purposes of subsections (2) and (15);

(g) prescribing times for the purposes of subsections (6) and (8);

(h) prescribing how the amount of a tax rebate with respect to a property shall be shared by the City and the school boards that share in the revenue from the taxes on the property, including prescribing that the amount of a tax rebate shall not be shared by the City and the school boards;

(i) prescribing a timeline or a date for the purposes of subsection (20).

**(10) Subsection 331 (20) of the Act is repealed and the following substituted:**

**Interest**

(20) The City shall pay interest, at the same rate of interest that applies under subsection 257.11 (4) of the *Education Act*, on the amount of any rebate to which the applicant is entitled under this section if the City fails to rebate or credit such amount,

- (a) within 120 days after receiving the application or interim application; or
- (b) within such other timeline or by such other date as may be prescribed by the Minister of Finance.

**(11) Section 331 of the Act is amended by adding the following subsection:**

**Retroactive**

(26) A regulation under this section is, if it so provides, effective with reference to a period before it is filed, which period may begin before the year in which the regulation is made.

**Amendment to *Stronger, Healthier Ontario Act (Budget Measures), 2017***

**3 Section 1 of Schedule 4 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017* is repealed.**

**Commencement**

**4 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

## SCHEDULE 7 COMMODITY FUTURES ACT

**1 Clause (a) of the definition of “rules” in subsection 1 (1) of the *Commodity Futures Act* is amended by striking out “section 66” at the end and substituting “section 65”.**

**2 Section 1.1 of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

(c) to contribute to the stability of the financial system and the reduction of systemic risk.

**3 (1) Subsection 14 (1) of the Act is amended by adding the following paragraph:**

4. Such books, records and other documents as may be prescribed by the regulations for the purpose of detecting, identifying or mitigating systemic risks related to the capital markets.

**(2) Subsection 14 (3) of the Act is repealed and the following substituted:**

### **Provision of information to Commission**

(3) Every market participant shall, at the time and in the form specified by the Commission or by any member, employee or agent of the Commission, deliver to the Commission,

- (a) any of the books, records and other documents required to be kept by subsection (1); and
- (b) except where prohibited by law, any filings, reports or other communications made to any other regulatory agency whether within or outside of Ontario.

**4 Section 54.1 of the Act is amended by adding the following subsections:**

### **Actions relating to reprisal**

(4) Where a person or company, or a person acting on behalf of a person or company, has taken a reprisal against an employee in contravention of subsection (1), without limiting the actions the employee may otherwise take, the employee may either,

- (a) make a complaint to be dealt with by final and binding settlement by arbitration under a collective agreement; or
- (b) if final and binding settlement by arbitration under a collective agreement is not available, bring an action in the Superior Court of Justice.

### **Burden of proof**

(5) In an arbitration or action under subsection (4), the burden of proof that the person or company did not take a reprisal against an employee in contravention of subsection (1) lies on that person or company.

### **Remedies**

(6) An arbitrator or the court hearing a complaint or action under subsection (4) may order one or more of the following remedies:

1. The employee’s reinstatement, with the same seniority status that the employee would have had if the contravention had not occurred.
2. Payment to the employee of two times the amount of remuneration the employee would have been paid by the employer if the contravention had not taken place between the date of the contravention and the date of the order, with interest.

### **Definition of remuneration**

(7) In subsection (6),

“remuneration” includes all payments, benefits and allowances received or deemed to be received by an individual that, by reason of section 5, 6 or 7 of the *Income Tax Act* (Canada), are required to be included in the income of the individual for the purposes of that Act and, without limiting the generality of the foregoing, includes salaries and wages, bonuses, taxable allowances and commissions and other similar amounts fixed by reference to the volume of sales made or contracts negotiated.

**5 Subsection 60 (7) of the Act is amended by striking out “paragraph 2 or 2.1 of subsection (1)” and substituting “paragraph 1, 2, 2.1 or 3 or subparagraph 5 ii of subsection (1)”.**

**6 The Schedule to the Act is repealed and the following substituted:**

SCHEDULE  
DEFINITION OF “RULES”

Item	Orders and Rulings	Date Issued
1.	In The Matter Of The Members Of The Toronto Stock Exchange And Of The Investment Dealers Association of Canada ( <i>Order</i> ) (exempts members of the TSE and IDA from the need to segregate)	November 29, 1979
2.	In The Matter Of Trading In Commodity Futures Contracts And Commodity Futures Options Entered Into On Commodity Futures Exchanges Situate Outside Canada Other Than Commodity Futures Exchanges In The United States of America ( <i>Order</i> ) (exempts trades by registered futures commission merchants in contracts on offshore exchanges from requirements of s. 33 of Act)	January 3, 1980
3.	In The Matter Of Trading Commodity Futures Contracts Entered Into On The Montreal Stock Exchange ( <i>Order</i> ) (exempts trades by registered futures merchants in contracts on ME from requirements of s. 33 of Act)	August 25, 1980
4.	In The Matter Of The Toronto Futures Exchange ( <i>Order</i> ) (exempts registrants from the need to provide customers with the terms and conditions of contracts)	January 10, 1984
5.	In The Matter Of The Toronto Futures Exchange ( <i>Order</i> ) (exempts TFE members from the need to segregate)	January 10, 1984
6.	In The Matter Of The Toronto Futures Exchange ( <i>Ruling</i> ) (exempts trades made on the floor of the TFE by floor traders from s. 22)	January 10, 1984
7.	In The Matter Of Trading In Commodity Futures Contracts And Commodity Futures Options Entered Into On Commodity Futures Exchanges Situate Outside Canada Other Than Commodity Futures Exchanges In The United States of America ( <i>Order</i> ) (exempts trades by registered futures commission merchants in contracts subject to rules of London Metal Exchange from s. 33 of Act)	January 26, 1984
8.	In The Matter Of Trading In Commodity Futures Contracts And Commodity Futures Options Entered Into On Commodity Futures Exchanges In The United States Of America ( <i>Order</i> ) (exempts trades by registered dealers in contracts on contract markets designated by CFTC)	October 26, 1984
9.	In The Matter Of The Toronto Stock Exchange ( <i>Ruling</i> ) (exempts traders on floor of TSE from s. 22 of Act)	April 9, 1985
10.	In The Matter Of The Toronto Stock Exchange ( <i>Ruling</i> ) (exempts trades in Government of Canada Bond Options from s. 22 of the CFA if made by <i>Securities Act</i> registrants)	September 16, 1985
11.	In The Matter Of The Toronto Stock Exchange ( <i>Order and Ruling</i> ) (exempts trades in contracts made on the floor of the TFE by options attorneys and competitive options traders from s. 22)	May 15, 1987
12.	In The Matter Of The Toronto Futures Exchange ( <i>Order and Ruling</i> )	May 15, 1987
13.	In The Matter Of Trading In Commodity Futures Contracts And Commodity Futures Options Entered Into On The Montreal Exchange ( <i>Order</i> )	August 22, 1989
14.	In The Matter Of Certain Members Of The Toronto Futures Exchange ( <i>Order</i> ) (limits the exemption from the need to segregate)	January 8, 1990
15.	In The Matter Of The Toronto Stock Exchange ( <i>Ruling</i> ) (exempts options attorneys and competitive options traders from s. 22 if they trade TSE 300 contracts)	January 15, 1994

### Commencement

**7 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 8**  
**COMMUNITY SMALL BUSINESS INVESTMENT FUNDS ACT, 1992**

**1 (1) The definition of “C” in clause 27 (2.1) (b) of the *Community Small Business Investment Funds Act, 1992* is repealed and the following substituted:**

“C” is 1.25 per cent of the consideration received by the particular corporation for the issue of the share, and

**(2) The definition of “E” in clause 27 (2.1) (c) of the Act is repealed and the following substituted:**

“E” is 0.625 per cent of the consideration received by the particular corporation for the issue of the share, and

**Commencement**

**2 This Schedule is deemed to have come into force on December 15, 2009.**

**SCHEDULE 9  
CO-OPERATIVE CORPORATIONS ACT**

**1** Clause (c) of the definition of “certified copy” in subsection 1 (1) of the *Co-operative Corporations Act* is amended by striking out “such person as is designated by the regulations” at the end and substituting “a public servant employed under Part III of the *Public Service of Ontario Act, 2006* and designated by the regulations”.

**2** The Act is amended by adding the following section:

**Delegation by Minister**

**1.1** The Minister may delegate in writing any or all of the Minister’s duties and powers under this Act to any person, subject to any restrictions set out in the delegation.

**3** Subsections 14 (4) and (5) of the Act are amended by striking out “Superintendent” wherever it appears and substituting in each case “Minister”.

**4** Subsection 27.1 (4) of the Act is amended by striking out “Superintendent” and substituting “Minister”.

**5** Subsection 88 (2) of the Act is amended by striking out “Superintendent” and substituting “Minister”.

**6** Subsection 142 (1) of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Minister”.

**7** Section 143 of the Act is amended by,

- (a) adding “decide that a certificate of amendment will be issued and, if such a decision is made,” at the end of the portion before clause (a);
- (b) adding “the Minister of Government and Consumer Services shall” at the beginning of clause (a); and
- (c) adding “the Minister of Government and Consumer Services shall” at the beginning of clause (b).

**8** Subsection 144 (1) of the Act is amended by,

- (a) adding “decide that a certificate of amendment will be issued and, if such a decision is made,” at the end of the portion before clause (a);
- (b) adding “the Minister of Government and Consumer Services shall” at the beginning of clause (a); and
- (c) adding “the Minister of Government and Consumer Services shall” at the beginning of clause (b).

**9** Subsection 144.1 (2) of the Act is amended by,

- (a) adding “decide that a certificate of amendment will be issued and, if such a decision is made,” at the end of the portion before clause (a);
- (b) adding “the Minister of Government and Consumer Services shall” at the beginning of clause (a); and
- (c) adding “the Minister of Government and Consumer Services shall” at the beginning of clause (b).

**10** Subsection 145 (3) of the Act is amended by striking out “issued by the Minister under this Act” at the end and substituting “issued under this Act”.

**11** Subsection 153 (1) of the Act is amended by striking out “Superintendent” in the portion before clause (a) and substituting “Minister”.

**12** Subsection 155 (2) of the Act is amended by striking out “Superintendent” in the portion before clause (a) and substituting “Minister”.

**13** Subsection 157 (1) of the Act is amended by striking out “Superintendent” in the portion before clause (a) and substituting “Minister”.

**14** Subsection 158 (2) of the Act is amended by striking out “Superintendent” and substituting “Minister”.

**15** Subsection 158.1 (2) of the Act is amended by striking out “Superintendent” and substituting “Minister”.

**16** Subsection 164 (1) of the Act is amended by striking out “Superintendent” in the portion before clause (a) and substituting “Minister”.

**17** Section 166 of the Act is repealed and the following substituted:

**Cancellation of certificate, etc.**

**166** (1) If sufficient cause is shown to the Minister, the Minister may, after giving the co-operative an opportunity to be heard, decide that an order cancelling a certificate of incorporation or any other certificate will be issued.

### **Order**

(2) If a decision to issue an order has been made, the Minister shall issue the order cancelling the certificate on such terms and conditions as the Minister thinks fit, and,

- (a) in the case of the cancellation of a certificate of incorporation, the co-operative is dissolved upon the date fixed in the order; and
- (b) in the case of the cancellation of any other certificate, the matter that became effective on the issuance of the certificate ceases to be in effect from the date fixed in the order.

**18 Subsection 167 (2) of the Act is repealed and the following substituted:**

#### **Dissolution for default**

(2) Upon default in compliance with the notice given under subsection (1), the Minister may decide that an order cancelling the certificate of incorporation will be issued.

### **Order**

(2.1) If a decision has been made to issue an order, the Minister shall issue the order cancelling the certificate of incorporation and, subject to subsection (3), the co-operative is dissolved on the date fixed in the order.

**19 Section 171 of the Act is amended by striking out “in a form approved by the Superintendent” at the end and substituting “in a form approved by the Minister”.**

**20 Section 177 of the Act is amended by striking out “the Superintendent” at the end and substituting “the Minister or the Superintendent”.**

**21 (1) Section 178 of the Act is amended by striking out “the Superintendent or a member” and substituting “the Minister, the Superintendent or a member”.**

**(2) The English version of section 178 of the Act is amended by striking out “the Superintendent, member or creditor” and substituting “the Minister, the Superintendent, the member or the creditor”.**

**22 Subsection 182 (1) of the Act is amended by striking out “by such officer of the Ministry as is designated by the regulations” at the end and substituting “by a public servant who is employed under Part III of the *Public Service of Ontario Act, 2006* and who is designated by the regulations”.**

**23 Clause 184 (1) (c) of the Act is amended by striking out “144” and substituting “144, 144.1”.**

**24 Subsection 187 (2) of the Act is amended by striking out “Superintendent” and substituting “Minister”.**

### **Commencement**

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



**SCHEDULE 10  
CORPORATIONS ACT**

**1 Subsection 148 (3) of the *Corporations Act* is repealed and the following substituted:**

**Corporation for insurance and reinsurance**

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purposes of,

- (a) undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under the *Insurance Act*; and
- (b) reinsuring contracts of insurance.

**Same**

(4) A mutual insurance corporation described in subsection (3) may enter into contracts of reinsurance for the purpose of retroceding all or part of any reinsurance contract entered into by the corporation.

**2 Section 157 of the Act is amended by adding the following subsection:**

**Same**

(2) Despite subsection (1), subsection 158 (1) does not apply to a mutual insurance corporation described in subsection 148 (3).

**3 Section 162 of the Act is amended by adding the following subsection:**

**Corporation described in s. 148 (3)**

(1.1) Subsection (1) applies with respect to a member of a mutual insurance corporation described in subsection 148 (3) only if the member's membership entitles the member to vote at the meeting.

**4 Section 163 of the Act is amended by adding the following subsection:**

**Same**

(2) Despite subsection (1), in the case of a corporation described in subsection 148 (3), no applicant for insurance who is also applying to be a member of the corporation is competent to vote or otherwise take part in the corporation's proceedings unless the applicant becomes a member who is entitled to vote or otherwise take part in those proceedings.

**Commencement**

**5 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 11**  
**CROWN EMPLOYEES COLLECTIVE BARGAINING ACT, 1993**

**1** (1) Subsection 47 (1) of the *Crown Employees Collective Bargaining Act, 1993* is amended by striking out “two alternate chairs” at the end and substituting “an alternate chair”.

(2) Subsection 47 (2) of the Act is amended by striking out “alternate chairs” and substituting “alternate chair”.

(3) Subsection 47 (4) of the Act is amended by striking out “alternate chairs” and substituting “alternate chair”.

(4) Subsection 47 (5) of the Act is amended by striking out “an alternate chair” and substituting “the alternate chair”.

**Commencement**

**2** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

## SCHEDULE 12 EDUCATION ACT

### 1 (1) Section 13 of the *Education Act* is amended by adding the following subsections:

#### **Continuation of Centre Jules-Léger portions of schools for deaf and blind**

(3.1) The portion of the Ontario School for the Deaf and the portion of the Ontario School for the Blind that at the time this subsection comes into force are known as Centre Jules-Léger are merged and continued under this section as a school of the Centre Jules-Léger Consortium.

#### **Centre Jules-Léger administration**

(3.2) The school continued under subsection (3.1) is not under the administration of the Minister.

(2) The French version of subsection 13 (4.1) of the Act is amended by striking out “d’apprentissage ou aux élèves en difficulté qui ont” and substituting “ayant des troubles d’apprentissage ou”.

(3) The French version of subsection 13 (5) of the Act is amended by striking out “difficultés d’apprentissage sont telles” in the portion after clause (b) and substituting “troubles d’apprentissage sont tels”.

### (4) Section 13 of the Act is amended by adding the following subsections:

#### **Continuation of Centre Jules-Léger demonstration school**

(5.1) The demonstration school that at the time this subsection comes into force is known as Centre Jules-Léger is continued under this section as a school of the Centre Jules-Léger Consortium.

#### **Clarification, Centre Jules-Léger administration**

(5.2) For greater certainty, the school continued under subsection (5.1) is not under the administration of the Minister.

(5) Subclause 13 (7) (a) (ii) of the Act is amended by adding “director of education or” before “superintendent”.

### (6) Subsection 13 (7) of the Act is amended by adding the following clause:

(d.1) governing meals and lodging;

(7) Clauses 13 (7) (e), (f) and (h) of the Act are amended by adding “director of education or” before “superintendent” wherever it appears.

### 2 (1) The Act is amended by adding the following sections:

#### **Centre Jules-Léger Consortium**

**13.1** (1) A corporation without share capital is established under the name Centre Jules-Léger Consortium in English and Consortium Centre Jules-Léger in French.

#### **Constitution and procedure**

(2) Part I of Schedule 1, respecting the constitution and procedure of the Consortium, has effect.

#### **Deemed district school board**

(3) The Consortium is deemed to be a district school board for the purposes of this Act and the regulations, except for the purposes of,

- (a) the provisions of this Act listed in Part II of Schedule 1; and
- (b) the provisions of this Act or of the regulations that are prescribed by the regulations.

#### **Same**

(4) The Consortium is also deemed to be a district school board for the purposes of the following Acts:

1. The *Education Quality and Accountability Office Act, 1996*.
2. The *Municipal Conflict of Interest Act*.
3. The *Ontarians with Disabilities Act, 2001*.
4. The *Ontario College of Teachers Act, 1996*.
5. *Ryan’s Law (Ensuring Asthma Friendly Schools), 2015*.
6. *Sabrina’s Law, 2005*.

#### **Objects**

(5) The objects of the Consortium are,

- (a) to maintain and operate the schools of the Consortium;

- (b) to provide resource services and consultation services with respect to pupils who are enrolled in schools of French-language district school boards and who are deaf or hard of hearing, are blind or have low vision, are deafblind or have a learning disability;
- (c) to provide outreach services and home-visiting services to parents of preschool children who are deaf or hard of hearing, are blind or have low vision or are deafblind; and
- (d) any additional objects that are provided for by the regulations.

#### **Provide instruction and accommodation**

(6) The Consortium must provide instruction and adequate accommodation during each school year for the pupils who attend a school of the Consortium.

#### **Multi-year plan**

(7) The Consortium must bring the multi-year plan referred to in clause 169.1 (1) (f) to the attention of, and a member of the Consortium must consult on the multi-year plan with,

- (a) each French-language district school board; and
- (b) associations or organizations that are not associations or organizations of professional educators but that are incorporated and operate throughout Ontario to further the interests and well-being of one or more groups of exceptional children served by the Consortium.

#### **Dealings with property**

(8) Subject to the approval of the Minister, the Consortium may select and acquire, by purchase, lease or otherwise, or expropriate, a school site.

#### **Other powers requiring Minister's approval**

(9) The Consortium requires the approval of the Minister to,

##### **continuing education**

1. establish continuing education courses and classes under paragraph 31 of subsection 171 (1);

##### **evening classes**

2. establish evening classes under paragraph 33 of subsection 171 (1);

##### **natural science program buildings, etc.**

3. erect, add to or alter buildings on or make other improvements to a school site, except normal maintenance to a building or site, for the purpose of conducting a natural science program or other out-of-classroom programs on the school site.

#### **Restriction on agreements to carry out objects**

(10) The Consortium must not enter into one of the following agreements with a board, unless the board is a French-language district school board:

1. An agreement for the board to provide education to the Consortium's pupils.
2. An agreement for the board to provide the services referred to in clause (5) (b) or (c).
3. An agreement, related to the additional objects of the Consortium, that the regulations provide that this subsection applies to.

#### **No area of jurisdiction**

(11) The Consortium has no area of jurisdiction.

#### **Regulations, LG in C**

(12) The Lieutenant Governor in Council may make regulations,

- (a) prescribing provisions of this Act or the regulations for the purpose of clause (3) (b);
- (b) providing for such other matters as the Lieutenant Governor in Council considers advisable to carry out the purpose of this section.

#### **Regulations, Minister**

(13) The Minister may make regulations,

- (a) providing for additional objects of the Consortium;

- (b) providing that an agreement related to the additional objects of the Consortium is an agreement that subsection (10) applies to;
- (c) requiring the Consortium to create additional advisory committees;
- (d) governing the objects and composition of the Consortium's advisory committees;
- (e) setting out qualifications to be the Consortium's director of education that are in addition to the qualifications required under section 278.

### **Inspections of lodgings, s. 13**

#### **Appointment of inspectors**

**13.2** (1) The Minister may appoint inspectors for the purposes of this section and section 13.3.

#### **Certificate of appointment**

(2) The Minister shall issue to every inspector a certificate of appointment.

#### **Purpose of inspection**

(3) An inspector may conduct inspections for the purpose of determining whether the regulations governing meals and lodging are being complied with.

#### **Inspections without warrant**

(4) An inspector may, without a warrant, enter and inspect the lodgings of schools established or continued under section 13.

#### **Time of entry**

(5) The power to enter and inspect a lodging without a warrant may be exercised only during daylight hours.

#### **Bedrooms and private areas**

(6) The power to enter and inspect a lodging must not be exercised to enter and inspect a part of the lodging that is actually used as a bedroom or similar private area unless,

- (a) reasonable notice has been given to the occupier of the bedroom or similar private area and, if the occupier is under 18 years old, to their parent or guardian; or
- (b) the inspector believes on reasonable grounds that,
  - (i) entering and inspecting the bedroom or similar private area will afford evidence of a contravention of the regulations governing meals and lodging, and
  - (ii) by reason of exigent circumstances it would be impracticable to provide the reasonable notice referred to in clause (a).

#### **Use of force**

(7) An inspector is not entitled to use force to enter and inspect a lodging.

#### **Identification**

(8) An inspector conducting an inspection must produce, on request, their certificate of appointment.

#### **Powers of inspector**

- (9) An inspector conducting an inspection may,
  - (a) examine a record or other thing that is relevant to the inspection;
  - (b) demand the production for inspection of a document or other thing that is relevant to the inspection, including a record or other thing that is not kept in the lodging;
  - (c) on issuing a written receipt, remove for review and copying a record or other thing that is relevant to the inspection;
  - (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the lodging;
  - (e) photograph, film or make any other kind of recording that is relevant to the inspection, including of a child or other person at the lodging, but only in a manner that does not intercept any private communications and that is in keeping with reasonable expectations of privacy;
  - (f) question a person, including a child, on matters relevant to the inspection; and
  - (g) call upon experts for assistance in carrying out the inspection.

**Demand**

- (10) A demand that a record or other thing be produced for inspection may be made orally or in writing and must indicate,
- (a) the nature of the record or thing required; and
  - (b) when the record or thing is to be produced.

**Obligation to produce and assist**

(11) If an inspector demands that a record or other thing be produced for inspection, the person having custody of the record or other thing shall produce it for the inspector within the time provided for in the demand, and shall, on the inspector's demand,

- (a) provide whatever assistance is reasonably necessary to produce the record or thing in readable form, including using a data storage, information processing or retrieval device or system; and
- (b) provide whatever assistance is reasonably necessary to interpret the record or thing for the inspector.

**Child's right to refuse**

(12) Despite clause (9) (f), a child may refuse to be questioned by an inspector.

**Child's right to meet with inspector**

(13) An inspector must meet privately with a child who resides in the lodging, if the child requests such a meeting.

**Return of things**

- (14) A record or other thing that has been removed for review and copying,
- (a) must be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and
  - (b) must be returned to the person within a reasonable time.

**Inspection report**

- (15) After completing an inspection, an inspector shall prepare an inspection report and give a copy of the report to,
- (a) the Minister;
  - (b) the director of education or supervisory officer of each school that the lodging relates to;
  - (c) the chair of the school council of each school that the lodging relates to; and
  - (d) any other prescribed person.

**Copy admissible in evidence**

(16) A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original, and has the same evidentiary value as the original.

**Obstruction**

(17) No person shall hinder, obstruct or interfere with an inspector conducting an inspection or provide the inspector with information, on matters relevant to the inspection, that the person knows to be false or misleading, and, subject to subsection (12), no person shall refuse to answer questions on matters relevant to the inspection.

**Offence**

(18) Every person who contravenes subsection (11) or (17) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

**Regulations**

(19) The Minister may make regulations prescribing persons for the purpose of clause (15) (d).

**Same, with warrant**

**13.3** (1) An inspector may, without notice, apply to a justice for a warrant under this section.

**Issuance of warrant**

(2) A justice may issue a warrant authorizing an inspector named in the warrant to enter a lodging specified in the warrant, and to exercise any of the powers mentioned in subsection 13.2 (9), if the justice is satisfied on information under oath or affirmation that,

- (a) the inspector has been prevented from exercising a right of entry to the lodging under subsection 13.2 (4) or a power under subsection 13.2 (9); or

- (b) there are reasonable grounds to believe that the inspector will be prevented from exercising a right of entry to the lodging under subsection 13.2 (4) or a power under subsection 13.2 (9).

#### **Bedrooms and private areas**

(3) The power to enter a lodging with a warrant must not be exercised to enter a part of the lodging that is actually used as a bedroom or similar private area, except if the warrant specifies that the inspector may enter a part of the lodging that is actually used as a bedroom or similar private area.

#### **Expert help**

(4) The warrant may authorize persons who have special, expert or professional knowledge to accompany and assist the inspector in the execution of the warrant.

#### **Expiry of warrant**

(5) A warrant issued under this section must name a date on which it expires, which must be no later than 30 days after the warrant is issued.

#### **Extension of time**

(6) A justice may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant.

#### **Use of force**

(7) An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a peace officer for assistance in executing the warrant.

#### **Time of execution**

(8) A warrant issued under this section may be executed between 8 a.m. and 8 p.m. only, unless the warrant specifies otherwise.

#### **Other matters**

(9) Subsections 13.2 (10) to (18) apply, with necessary modifications, with respect to an entrance and inspection under a warrant issued under this section.

#### **Definition**

(10) In this section,

“justice” means a provincial judge or a justice of the peace.

**(2) Paragraph 3 of subsection 13.1 (4) of the Act, as enacted by subsection (1), is repealed.**

**3 Clause 219 (7) (a) of the Act is repealed and the following substituted:**

- (a) a member of any other district school board, except the Centre Jules-Léger Consortium;

**4 Clause 230 (a) of the Act is amended by striking out “section 11.1 or 170.1” at the end and substituting “section 11.1, clause 13 (7) (d.1) or section 170.1”.**

**5 Subsection 230.3 (1) of the Act is repealed and the following substituted:**

#### **Minister’s powers on reviewing reports: directions**

(1) The Minister may give any directions to the board that he or she considers advisable to address the non-compliance or likelihood of non-compliance referred to in the following clauses, if, in the opinion of the Minister,

- (a) the report made under subsection 230.2 (7) discloses evidence of non-compliance with a requirement specified under subsection 230.2 (2) or evidence that an act or omission of the board will likely result in non-compliance with a requirement specified under subsection 230.2 (2); or
- (b) a report made under subsection 13.2 (15) discloses evidence of non-compliance with a regulation made under clause 13 (7) (d.1) or evidence that an act or omission of the board will likely result in non-compliance with a regulation made under clause 13 (7) (d.1).

**6 (1) Subsection 230.19 (1) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:**

- (d) the linguistic or cultural aspects of the Centre Jules-Léger Consortium.

**(2) Subsection 230.19 (2) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:**

- (d) the linguistic or cultural aspects of the Centre Jules-Léger Consortium.

**7 (1) Section 257.12.3 of the Act is amended by striking out “Subsections 364 (1), (2), (3) and (5) to (24) of the *Municipal Act, 2001* apply” at the beginning and substituting “Subject to the regulations made under subsection (2), subsections 364 (1), (2), (3) and (5) to (24) of the *Municipal Act, 2001* and the regulations under subsection 364 (12) of that Act apply”.**

**(2) The English version of section 257.12.3 of the Act is amended by striking out “to levy rates for school purposes” wherever it appears and substituting in each case “to levy taxes for school purposes”.**

**(3) Section 257.12.3 of the Act is amended by adding the following subsection:**

**Regulations, Minister of Finance**

(2) The Minister of Finance may make regulations,

- (a) prescribing the amount of the rebate as a percentage of the tax payable for school purposes that is applicable to an eligible property; and
- (b) providing that subsection (1) does not apply to an area in which a board is required to levy taxes for school purposes under this Division.

**8 The Act is amended by adding the following section:**

**Centre Jules-Léger Consortium**

**289.1** The Centre Jules-Léger Consortium shall only operate classes, groups of classes and schools that are French-language instructional units.

**9 The Act is amended by adding the following Schedule:**

SCHEDULE 1  
CENTRE JULES-LÉGER CONSORTIUM  
  
PART I  
CONSTITUTION AND PROCEDURE  
  
MEMBERSHIP AND APPOINTMENTS

**Members**

1 The Centre Jules-Léger Consortium shall be composed of six members.

**Appointments**

**ACÉPO**

2 (1) The Association des conseils scolaires des écoles publiques de l’Ontario must appoint three of the members.

**AFOCSC**

(2) The Association franco-ontarienne des conseils scolaires catholiques must appoint three of the members.

**Qualifications**

**ACÉPO appointees**

3 (1) The Association des conseils scolaires des écoles publiques de l’Ontario must only appoint an individual who is a member of a French-language public district school board.

**AFOCSC appointees**

(2) The Association franco-ontarienne des conseils scolaires catholiques must only appoint an individual who is a member of a French-language separate district school board.

**Geographic representation**

4 Each Association must consider geographic representation in exercising its powers to appoint members.

**Term**

5 (1) Each Association must specify in each appointment the term of the appointment; the appointment is for the term specified in the appointment.

**Restrictions on term**

(2) The term must be two years, three years or four years.

**Start and end dates**

(3) A term must begin on a November 15 and end on a November 14.



### **Transition**

(4) The following rules apply to a term that begins before November 15, 2022:

1. The term must begin on a December 1 and end on a November 30, despite subsection (3).
2. If the result of subsection (2) and paragraph 1 of this subsection is that the term would end on a November 30 after November 15, 2022, the term instead ends on the November 14 before that November 30, despite subsection (2) and paragraph 1 of this subsection.

### **Repeal**

(5) On November 15, 2022, subsection (4) and this subsection are repealed.

### **Multiple terms**

6 There is no limit on how many terms a member may serve.

### **If no appointment**

7 If an Association fails to exercise its powers to appoint members, the Minister may step into its shoes to exercise the powers.

## **MEETINGS**

### **Number of meetings**

8 The Consortium shall meet at least three times in each 12-month period beginning December 1.

### **In-person attendance required of chair or designate**

9 (1) If the chair is not physically present in the meeting room for a meeting of the Consortium, the meeting must be presided over by a member who is physically present in the meeting room and who is designated by the chair, even if the chair attends the meeting remotely.

### **Duration of designation**

(2) Each designation is for one meeting.

### **Cancellation of meeting**

(3) If no chair or designate is physically present in the meeting room, the meeting must not proceed.

## **VACANCIES**

### **Seat vacated**

10 (1) A member vacates his or her seat if he or she,

- (a) absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the Consortium;
- (b) is not a member of a French-language public district school board, in the case of a member who was appointed by the Association des conseils scolaires des écoles publiques de l'Ontario; or
- (c) is not a member of a French-language separate district school board, in the case of a member who was appointed by the Association franco-ontarienne des conseils scolaires catholiques.

### **Exception: pregnancy or parental leave**

(2) Clause (1) (a) does not apply to vacate the office of a member who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

### **Application for declaration that seat vacant**

11 (1) Any person entitled to vote at the election of members of any French-language district school board may commence an application in the Superior Court of Justice for a declaration that the office of a member of the Consortium has become vacant.

### **Early application**

(2) An application may be commenced under this section at the same time as or after an application in respect of the member is commenced under section 218 of this Act or under section 83 of the *Municipal Elections Act, 1996*.

### **Time limit for bringing application**

(3) No application shall be commenced under this section more than 90 days after the later of,

- (a) the day the facts alleged to cause the vacancy came to the knowledge of the person bringing such application;
- (b) the day the Superior Court of Justice, under subsection 218 (3) of this Act,

- (i) orders that the member be removed from the member's French-language district school board office, or
- (ii) declares that the member's French-language district school board office is vacant; and
- (c) the day the Superior Court of Justice makes a determination under subsection 83 (1) of the *Municipal Elections Act, 1996* that,
  - (i) the election in which the member was elected to the member's French-language district school board office is invalid, or
  - (ii) the member's election to the member's French-language district school board office is invalid.

#### **Power of court**

(4) Where in an application under this section the court finds that a member's Consortium office has become vacant, the court may order that the member be removed from office and declare that the office is vacant.

#### **Application of the *Municipal Elections Act, 1996***

(5) Subsection 83 (3) and sections 85 and 86 and subsections 87 (1) and (2) of the *Municipal Elections Act, 1996* apply to an application made under this section, with necessary modifications.

#### **Joining of claims**

(6) A claim in an application under this section may be joined with a claim in an application under section 218 of this Act, with a claim under section 83 of the *Municipal Elections Act, 1996* or with claims under both, and the claims may be heard and disposed of together.

#### **Filling of vacancies**

12 (1) If the office of a member becomes vacant before the end of the member's term, the Association that appointed the member must appoint an individual to fill the vacancy within 60 days after the office becomes vacant.

#### **Qualifications and geographic representation**

(2) Sections 3 and 4 of this Part apply to the appointment.

#### **Term of office**

(3) A member appointed to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office.

#### **If no appointment**

(4) For greater certainty, section 6 of this Part applies to the appointment.

#### **Vacancies near election times**

13 Where a vacancy occurs during the period beginning on the day one month before the next election and ending on the December 1 after that election, section 12 of this Part applies but instead of being required to fill the vacancy within 60 days after the office becomes vacant, the Association must fill the vacancy no later than the January 30 after the election.

### **ADVISORY COMMITTEES**

#### **Advisory committees**

##### **Parent and Program Advisory Committee**

14 (1) The Consortium must establish a parent and program advisory committee.

##### **Additional committees**

(2) The Consortium must establish any additional advisory committees that the regulations require it to create.

##### **Objects and composition**

(3) The Consortium must comply with any regulations that govern the objects and composition of the Consortium's advisory committees.

### **DIRECTOR OF EDUCATION**

#### **Qualifications**

15 The Consortium must ensure that the director of education that it employs as required by Part XI of this Act meets any qualifications to be the Consortium's director of education set out in the regulations, in addition to the qualifications required under section 278.

### **Orientation for members**

16 The director of education must provide the members of the Consortium with an orientation respecting the special needs of the students attending the schools of the Consortium.

## **TRANSITION**

### **Transition**

#### **First appointments**

17 (1) No later than 30 days after the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent, each Association must appoint the members it is responsible for appointing.

#### **Term**

(2) The appointments may be for any term that is less than four years and may start on any date, despite subsections 5 (2), (3) and (4) of this Part, but the terms of the appointments must end on a November 30 before November 15, 2022 or on November 14, 2022.

#### **Presiding officer**

(3) At the first meeting of the Consortium, the chief executive officer shall preside until the election of the chair or, if there is no chief executive officer or in his or her absence, the members present shall designate who shall preside at the election of the chair and if a member is so designated, he or she may vote at the election of the chair.

#### **Chair**

(4) At the first meeting of the Consortium, the members must elect a chair from among the members.

#### **Meetings optional**

(5) Section 8 of this Part is inoperative while this subsection is in force.

#### **Meetings in private**

(6) The meetings of the Consortium may be held in private.

#### **Transition powers**

(7) The Consortium may,

#### **negotiate with Ministry**

1. make all necessary decisions to negotiate a transfer agreement with the Ministry with respect to the schools referred to in the amendments to this Act under subsections 1 (1) and (4) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*;

#### **support negotiations with Ministry**

2. conduct research, stakeholder engagement and planning for programs and services necessary to support the negotiation of the transfer agreement;

#### **hire staff**

3. hire a director of education and other staff for any purpose related to negotiating the transfer agreement and planning the Consortium's programs and services.

### **Repeal**

(8) On the later of the day subsection 1 (1) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day subsection 1 (4) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, this section is repealed.

#### **First meeting after schools transfer**

18 (1) The Consortium must meet during the period that begins on the later of the day subsection 1 (1) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day subsection 1 (4) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and ends 30 days after the later of the day subsection 1 (1) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day subsection 1 (4) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force.

### **Repeal**

(2) Thirty days after the later of the day subsection 1 (1) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day subsection 1 (4) of Schedule 12 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, this section is repealed.

PART II  
PROVISIONS FOR WHICH NOT DEEMED DSB

The Consortium is not deemed to be a district school board for the purposes of the following provisions of this Act:

1. Subsections 49 (5) to (8).
2. Section 57.1.
3. Section 58.1.
4. Section 58.4.
5. Section 58.6.
6. Section 58.7.
7. Section 58.8.
8. Section 58.9.
9. Paragraphs 7 and 39 of subsection 171 (1).
10. Section 185.
11. Subsections 208 (2), (3) and (9).
12. Part VII, except for subsections 220 (2), (3) and (4).
13. Section 253.1.

**10 (1) Section 8 of Schedule 1 to the Act, as enacted by section 9, is amended by striking out “December 1” at the end and substituting “November 15”.**

**(2) Section 13 of Schedule 1 to the Act, as enacted by section 9, is amended by,**

- (a) striking out “December 1” and substituting “November 15”; and**
- (b) striking out “January 30” and substituting “January 14”.**

***Limitations Act, 2002***

**11 The Schedule to the *Limitations Act, 2002* is amended by striking out,**

<i>Education Act</i>	subsection 218 (2)
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**and substituting the following:**

<i>Education Act</i>	subsection 218 (2) and subsection 11 (3) of Schedule 1
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***Ombudsman Act***

**12 The definition of “school board” in subsection 1 (1) of the *Ombudsman Act* is amended by adding “and the Centre Jules-Léger Consortium” at the end.**

***Provincial Advocate for Children and Youth Act, 2007***

**13 (1) Clause 15 (1) (d) of the *Provincial Advocate for Children and Youth Act, 2007* is amended by striking out “provincial schools for the deaf, schools for the blind or demonstration schools under section 13 of the *Education Act*” at the end and substituting “schools established or continued under section 13 of the *Education Act*”.**

**(2) Clause 16 (1) (k) of the Act is amended by striking out “provincial schools for the deaf, schools for the blind or demonstration schools under section 13 of the *Education Act*” and substituting “schools established or continued under section 13 of the *Education Act*”.**

***School Boards Collective Bargaining Act, 2014***

**14 (1) The definition of “school board” in subsection 2 (1) of the *School Boards Collective Bargaining Act, 2014* is amended by striking out “includes a school authority and the Provincial Schools Authority” at the end and substituting “includes a school authority, the Provincial Schools Authority and the Centre Jules-Léger Consortium”.**

**(2) Section 5 of the Act is amended by adding the following subsections:**

**Same, at the Centre Jules-Léger Consortium**

**(3.1) The Centre Jules-Léger Consortium has the following teachers’ bargaining units:**

1. Teachers' unit: One bargaining unit composed of every teacher, other than occasional teachers, employed by the Consortium.
2. Occasional teachers' unit: One bargaining unit composed of every teacher who is an occasional teacher and who is on the Consortium's roster of occasional teachers.

**Same, at Centre Jules-Léger Consortium demonstration school**

(3.2) A teacher seconded from another school board to teach at a demonstration school of the Centre Jules-Léger Consortium is a member of the teachers' bargaining unit, if any, that corresponds to their position at the other school board, and not a member of a teachers' bargaining unit of the Centre Jules-Léger Consortium.

**(3) Subsection 10 (1) of the Act is amended by adding the following paragraph:**

4. The teachers' unit and occasional teachers' unit at the Centre Jules-Léger Consortium.

**(4) Paragraph 5 of subsection 21 (1) of the Act is amended by adding "and for the Centre Jules-Léger Consortium" after "French-language separate district school board" in the portion before subparagraph i.**

**Commencement**

**15 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) Subsections 1 (1) and (4) and 2 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**(3) Section 10 comes into force on November 15, 2022.**

**SCHEDULE 13  
ELECTION FINANCES ACT**

**1 Section 38.2 of the *Election Finances Act* is repealed and the following substituted:**

**Nomination contestants**

**38.2** (1) The total nomination contest expenses incurred by a nomination contestant and any person, corporation, trade union, unincorporated association or organization acting on behalf of the nomination contestant during the period beginning on the date of the official call of the nomination contest and ending when the candidate for the electoral district is selected shall not exceed,

- (a) 20 per cent of the amount that a candidate in the electoral district for which the contestant is seeking the nomination and the persons, corporations, trade unions, unincorporated associations and organizations acting on the contestant's behalf were allowed to incur during the campaign period for the most recent election before the applicable nomination contest period; or
- (b) if there has been a change in the boundaries of the electoral district since the most recent election, an amount determined by the Chief Electoral Officer.

**Ability to incur expenses**

(2) Nothing in this Act prevents or limits the ability of a nomination contestant or of any person, corporation, trade union, unincorporated association or organization acting on behalf of a nomination contestant to incur nomination contest expenses during a period,

- (a) beginning when the contestant first receives or spends funds for the purpose of achieving the endorsement and ending immediately before the date of the official call of the nomination contest; or
- (b) beginning after the candidate for the electoral district is selected and ending three months after the candidate for the electoral district is selected.

**Commencement**

**2 This Schedule is deemed to have come into force on July 1, 2017.**

**SCHEDULE 14**  
**ENGLISH AND WABIGOON RIVERS REMEDIATION FUNDING ACT, 2017**

**CONTENTS**

1.	Purpose
2.	Definitions
3.	Panel
4.	Establishment of Trust
5.	Purpose of Trust
6.	Terms of Trust
7.	Trustee
8.	Criteria for payments from funds of Trust
9.	Not part of C.R.F.
10.	Report, trustee
11.	Report, panel
12.	Five-year report
13.	Public notice
14.	Appropriation
15.	Audit
16.	Not a Crown agent
17.	Protection from liability
18.	Rules as to perpetuities not applicable to Trust
19.	Regulations
20.	Commencement
21.	Short title

**Purpose**

**1** (1) The purpose of this Act is to provide for,

- (a) the funding of the remediation of contaminants in the English and Wabigoon Rivers;
- (b) the co-operative management of that funding by Ontario and the two First Nations that have been most directly and significantly affected by historic mercury contamination in the English and Wabigoon Rivers; and
- (c) an opportunity for other Indigenous communities that have a historic relationship with the English and Wabigoon Rivers to be involved in discussions in respect of that funding.

**Non-derogations**

(2) For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from any protection provided for aboriginal or treaty rights.

**Definitions**

**2** In this Act,

“aboriginal or treaty rights” means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*; (“droits ancestraux ou issus de traités”)

“contaminant” means,

- (a) mercury in all of its forms, and
- (b) any other substances that may be prescribed in the regulations; (“contaminant”)

“Minister” means the Minister of Environment and Climate Change or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“panel” means the English and Wabigoon Rivers Remediation Panel established under section 3; (“comité”)

“regulations” means the regulations made under this Act; (“règlements”)

“remediation” includes post-remediation monitoring; (“assainissement”)

“Trust” means the English and Wabigoon Rivers Remediation Trust established under section 4; (“Fiducie”)

“trustee” means the trustee of the Trust. (“fiduciaire”)

## **Panel**

**3** (1) A panel is established, to be known in English as the English and Wabigoon Rivers Remediation Panel and in French as Comité d'assainissement des rivières English et Wabigoon.

## **Purposes**

(2) The purposes of the panel are to,

- (a) advise the Minister on,
  - (i) the establishment of the Trust,
  - (ii) the practices and procedures for the panel referred to in subsection (16),
  - (iii) the criteria for the payment of funds from the Trust referred to in subsection 8 (1), and
  - (iv) the development of remediation goals and objectives;
- (b) issue written directions to the trustee requiring the release of funds from the trust;
- (c) prepare the report described in section 11; and
- (d) perform other functions specified in this Act or required by the Minister.

## **First Nation representatives**

(3) The Minister shall invite the band councils of each of the following First Nations to appoint two representatives to be members of the panel:

- 1. Grassy Narrows First Nation.
- 2. Wabaseemoong Independent Nations.

## **First Nation representation**

(4) The band council of each First Nation mentioned in subsection (3) may, after receipt of an invitation from the Minister, appoint up to two representatives to be members of the panel.

## **Other communities, representatives**

(5) Where an Indigenous community that has a historic relationship with the English or Wabigoon Rivers, other than a First Nation mentioned in subsection (3), has an interest in the remediation of the English or Wabigoon Rivers, the Minister may authorize a representative of that community to participate in one or more meetings of the panel.

## **Not to vote, etc.**

(6) A person authorized under subsection (5) to participate in a meeting of the panel is not a member of the panel and may not vote on any matter considered by the panel.

## **Ontario representative**

(7) The Minister may appoint up to two members to represent the interests of Ontario on the panel.

## **Appointments at pleasure**

(8) A member of the panel serves at the pleasure of,

- (a) the band council of the First Nation the member represents, in the case of a member appointed under subsection (4); or
- (b) the Minister, in the case of a member appointed under subsection (7).

## **Timing of invitations**

(9) The Minister shall issue the invitations under subsection (3) within 10 days after this section comes into force.

## **Timing of appointments**

(10) Within 10 days after the invitations are issued, the Minister and the band council of each First Nation mentioned in subsection (3) shall each, if they wish to appoint representatives to the panel, endeavour to appoint one or two representatives.

## **Chair and vice-chair**

(11) The members of the panel shall select a chair and vice-chair of the panel from among the members of the panel.

## **Timing of selection**

(12) The members of the panel shall endeavour to hold the initial meeting of the panel and select the chair and vice-chair within 20 days following the expiry of the 10-day period provided for in subsection (10).



### **Timing of advice, remediation goals and objectives**

(13) The panel shall endeavour to provide the advice to the Minister in respect of the development of the remediation goals and objectives as soon as reasonably possible.

### **Quorum**

(14) Two-thirds of the members of the panel constitute a quorum.

### **How decisions reached**

(15) The panel shall attempt to reach consensus in respect of a matter before it, but where that is not possible, the determination of a matter before the panel shall be by majority vote.

### **Practices and procedures**

(16) The Minister may, after considering the advice, if any, of the panel, establish practices and procedures for the panel, including providing for,

- (a) means of dispute resolution including facilitation, mediation or arbitration;
- (b) the establishment of subcommittees to advise the panel; and
- (c) the means by which the panel and subcommittees make decisions, including procedures to be applied to take into account the views of each panel member in accordance with clause (19) (c).

### **Facilitator or mediator**

(17) Despite any practice or procedure established under subsection (16), the chair of the panel may invite a person to participate in one or more meetings of the panel to assist the panel by acting as a facilitator or mediator in respect of disputes related to the work of the panel.

### **Decisions of the panel**

(18) Decisions of the panel shall be made in accordance with the practices and procedures, if any, established under subsection (16).

### **Directions of the panel to trustee**

(19) A decision of the panel to issue a written direction to the trustee requiring the release of funds from the trust,

- (a) shall be made in accordance with the practices and procedures, if any, established under subsection (16);
- (b) shall be made in accordance with the criteria established under subsection 8 (1);
- (c) shall take into account the views of each panel member appointed under subsection (4) as to whether the aboriginal or treaty rights of the First Nation the member represents are likely to be disproportionately and adversely affected by the activities to which the direction relates; and
- (d) shall be communicated to the trustee by the chair or the vice-chair on behalf of the panel.

### **Dissolution**

(20) The Minister may, after seeking the advice of the panel, dissolve the panel if the Minister determines that the panel,

- (a) is no longer required because no further activities are required to address the presence of contaminants; or
- (b) is unable to carry out its functions.

### **Establishment of Trust**

**4** (1) The Minister shall establish in writing a trust to be known in English as the English and Wabigoon Rivers Remediation Trust and in French as Fiducie pour l'assainissement des rivières English et Wabigoon.

### **Advice of panel**

(2) Before establishing the Trust, the Minister shall seek the advice of the panel with respect to the Trust's terms and conditions.

### **Timeline**

(3) The Minister shall endeavour to establish the Trust, including causing the funds provided for in subsection 14 (1) to be paid into it, before April 1, 2018.

### **Purpose of Trust**

**5** The purpose of the Trust is to provide for funding the remediation of contaminants in the English and Wabigoon Rivers.

### **Terms of Trust**

**6** (1) The Trust shall, on such terms and conditions as the Minister may specify after considering the advice, if any, of the panel, provide for the funding of the remediation of contaminants in the English and Wabigoon Rivers, including the following activities:

1. Preventing or reducing the risk of a discharge of contaminants.
2. Reducing the presence, concentration or bio-availability of contaminants, including their presence and concentration in fish.
3. Post-remediation monitoring.
4. Other remediation activities, consistent with the purpose of the Trust, that may be specified by the Minister.

### **Same**

(2) The Trust may provide for the following matters on such terms and conditions as may be specified by the Minister:

1. The funding of costs or reimbursement of expenses related to the activities of the panel, its members and persons from other Indigenous communities authorized under subsection 3 (5) to participate in the panel's meetings, including remuneration.
2. The reimbursement of expenses related to the administration of the Trust, including remuneration of the trustee.
3. The funding of costs of Grassy Narrows First Nation, Wabaseemoong Independent Nations and other Indigenous communities authorized under subsection 3 (5) to participate in the panel's meetings to support community engagement in connection with the work of the panel.
4. Other matters consistent with the purpose of the Trust.

### **Trustee**

**7** (1) The Minister shall appoint a person who is regulated under the *Trust and Loan Companies Act* (Canada) as trustee.

### **Directions of panel**

(2) Subject to the terms of the Trust and subsections (3) and (4), the trustee shall comply with the written directions of the panel provided for in clause 3 (2) (b).

### **Directions, requirements**

(3) A direction of the panel provided for in clause 3 (2) (b) is not binding on the trustee unless it,

- (a) is signed by the chair or vice-chair of the panel; and
- (b) complies with the criteria established under subsection 8 (1).

### **Restriction, s. 14 (3) funds**

(4) If additional funds are paid into the Trust under subsection 14 (3), the trustee shall pay those additional funds from the Trust only for,

- (a) the funding of costs or reimbursement of expenses related to the activities of the panel, its members and persons from other Indigenous communities authorized under subsection 3 (5) to participate in the panel's meetings, including remuneration; or
- (b) the reimbursement of expenses related to the administration of the Trust, including remuneration of the trustee.

### **Directions in case of dissolution**

(5) Where the Minister has dissolved the panel under subsection 3 (20), the Minister may issue written directions to the trustee requiring the release of funds from the trust, and the trustee shall comply with those directions.

### **Consistency of directions**

(6) A direction issued by the Minister under subsection (5) must,

- (a) be consistent with the purpose of the Trust; and
- (b) comply with the criteria established under subsection 8 (1), with necessary modifications.

### **Criteria for payments from funds of Trust**

**8** (1) Subject to the terms of the Trust, and after considering the advice, if any, of the panel, the Minister shall establish criteria to be used in making payments from the funds of the Trust, which may include technical criteria, standards and objectives.

### **Matters considered by panel**

- (2) When developing its advice to the Minister in respect of the criteria, the panel shall consider,
- (a) the best available scientific information;
  - (b) traditional ecological knowledge that has been offered; and
  - (c) the priority of the remediation activities that may need to be funded.

### **Not part of C.R.F.**

**9** Money received or held by the Trust shall not form part of the Consolidated Revenue Fund.

### **Report, trustee**

- 10** (1) The trustee shall, no later than June 1 in each year, provide a report in respect of,
- (a) the financial affairs of the Trust for the annual period ending on March 31 in the year in which the report is due;
  - (b) the disbursement of trust assets during that period; and
  - (c) any other information requested by the Minister.

### **Audited financial statements**

- (2) The report shall include a copy of the audited financial statements of the Trust.

### **Recipients of report**

- (3) The trustee shall provide the report to,
- (a) the Minister;
  - (b) the leadership of every Indigenous community that has participated in the work of the panel; and
  - (c) the chair of the panel.

### **Signature**

- (4) The report shall be signed by the trustee.

### **Tabling**

- (5) The Minister shall table the report in the Legislative Assembly.

### **Other reports, Minister**

- (6) The trustee shall provide the Minister with such other reports and information as the Minister may request.

### **Other information, panel**

- (7) The trustee shall provide the chair of the panel with such information as the chair requests.

### **Report, panel**

- 11** (1) The chair of the panel shall, on behalf of the panel, provide a report no later than June 1 in each year in respect of,
- (a) the activities funded by the Trust for the annual period ending on March 31 in the year in which the report is due;
  - (b) the balance of funds remaining in the trust as of March 31 in the year in which the report is due;
  - (c) a forecast of the expenditures from the Trust for the five-year period beginning April 1 in the year in which the report is due;
  - (d) a recommendation of whether additional funds will be required to fund the Trust and in what amount;
  - (e) a description of how the activities funded by the Trust have contributed to the remediation of the English and Wabigoon Rivers; and
  - (f) information requested by the Minister.

### **Recipients of report**

- (2) The chair of the panel shall provide the report to,
- (a) the Minister; and
  - (b) the leadership of every Indigenous community that has participated in the work of the panel.

### **Signature**

- (3) The report shall be signed by the chair of the panel.

**Tabling**

(4) The Minister shall table the report in the Legislative Assembly.

**Other reports**

(5) The chair of the panel shall provide the Minister with such other reports and information as the Minister may request.

**Five-year report**

**12** (1) Promptly following the fifth anniversary of this Act coming into force, the Minister shall prepare a report on the success of the Act in achieving its purpose, together with any recommendations the Minister wishes to make.

**Consultation**

(2) In preparing the report, the Minister shall,

- (a) consult with Grassy Narrows First Nation, Wabaseemoong Independent Nations and other Indigenous communities that have participated in the panel's work and include their views in the report; and
- (b) consult with any other person the Minister considers advisable, by any means the Minister considers advisable.

**Tabling**

(3) The Minister shall table the report in the Legislative Assembly.

**Public notice**

**13** The Minister shall make the reports described in sections 10, 11 and 12 available to the public on a website of the Government of Ontario and in any other manner that may be prescribed in the regulations.

**Appropriation**

**14** (1) The amount of \$85,000,000 shall be paid out of the Consolidated Revenue Fund for the purpose of establishing the Trust.

**Notice of low balance**

(2) After March 1 but before March 8 in each year the trustee shall provide written notice to the Minister and the chair of the panel if the balance of the funds remaining in the Trust is less than \$425,000.

**Increase of funds**

(3) On receipt of a notice described in subsection (2), the balance of funds remaining in the Trust shall be increased to \$425,000 by payment into it from the Consolidated Revenue Fund.

**Additional appropriations**

(4) The Legislature may provide for an appropriation of money as may be required in excess of the amounts provided for in subsections (1) and (3).

**Audit**

**15** (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of the accounts and financial transactions of the Trust.

**Contents of audit**

(2) When the Auditor General conducts an audit under subsection (1), the Auditor General shall examine,

- (a) whether funds were expended from the Trust other than for a purpose under this Act; and
- (b) whether funds were expended from the Trust without due regard to economy and efficiency.

**Access to information and records**

(3) Sections 10, 11, 11.1, 11.2, 27.1 and 27.2 of the *Auditor General Act* apply, with necessary modifications, with respect to the Auditor General's audit.

**Report to Minister**

(4) The Auditor General shall report to the Minister on and make public any matter arising out of the audit that, in the opinion of the Auditor General, should be brought to the attention of the Minister.

**Not a Crown agent**

**16** The panel, the panel members and the trustee are not agents of the Crown in right of Ontario for any purpose, despite the *Crown Agency Act*, and shall not hold themselves out as such.

**Protection from liability**

**17** (1) Subject to subsection (3), no cause of action arises against,

- (a) a member of the panel as a result of any act done in good faith in the performance or intended performance of the member's duties or any alleged neglect or default in the performance in good faith of the member's duties;
- (b) the Crown, a Minister of the Crown or an employee of the Crown as a result of any act or omission of a person who is not a Minister of the Crown or a Crown employee if the act or omission is related, directly or indirectly, to the panel, a member of the panel, the Trust, the trustee or to the administration of this Act.

#### **Same**

- (2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against,
- (a) a member of the panel by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (a);
  - (b) the Crown, a Minister of the Crown or an employee of the Crown by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (b).

#### **Crown liability**

(3) Despite subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*, subsections (1) and (2) do not relieve the Crown of liability in respect of a tort committed by a servant or agent to which the Crown would otherwise be subject.

#### **Rules as to perpetuities not applicable to Trust**

**18** The rules of law and statutory enactments relating to perpetuities do not apply to the Trust and the Trust shall be deemed to be a valid charitable purpose trust under the laws of Ontario.

#### **Regulations**

**19** The Lieutenant Governor in Council may make regulations,

- (a) prescribing other substances for the purposes of the definition of "contaminant" in section 2;
- (b) prescribing and governing anything described in this Act as being prescribed in the regulations;
- (c) prescribing limitations on the remuneration of the panel members or persons authorized under subsection 3 (5) to participate in the panel's meetings and the reimbursement of their expenses, if any;
- (d) generally for carrying out the purposes, provisions and intent of this Act.

#### **Commencement**

**20** The Act set out in this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

#### **Short title**

**21** The short title of the Act set out in this Schedule is the *English and Wabigoon Rivers Remediation Funding Act, 2017*.

**SCHEDULE 15**  
**FAMILY LAW ACT**

**1 Subsection 31 (1) of the *Family Law Act* is repealed and the following substituted:**

**Obligation of parent to support child**

(1) Every parent has an obligation to provide support, to the extent that the parent is capable of doing so, for his or her unmarried child who,

- (a) is a minor;
- (b) is enrolled in a full-time program of education; or
- (c) is unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents.

**Commencement**

**2 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 16**  
**FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016**

**1 (1) Section 1 of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by adding the following definition:**

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2); (“Directeur général”)

**(2) The definition of “regulated sector” in section 1 of the Act is amended by adding “Subject to subsection (2)” at the beginning.**

**(3) Section 1 of the Act is amended by adding the following subsection:**

**Regulated sector**

(2) In addition to the persons described in clause (f) of the definition of “regulated sector” in section 1 of the *Financial Services Commission of Ontario Act, 1997*, the following persons are also included:

1. Any agent of a person who administers a pension plan within the meaning of the *Pension Benefits Act*.
2. Persons prescribed for the purposes of subsection 22 (6) of the *Pension Benefits Act*.

**2 Section 3 of the Act is repealed and the following substituted:**

**Objects of the Authority**

**3 (1)** The objects of the Authority are,

- (a) to regulate and generally supervise the regulated sectors;
- (b) to contribute to public confidence in the regulated sectors;
- (c) to monitor and evaluate developments and trends in the regulated sectors;
- (d) to cooperate and collaborate with other regulators where appropriate;
- (e) to promote public education and knowledge about the regulated sectors;
- (f) to promote transparency and disclosure of information by the regulated sectors;
- (g) to deter deceptive or fraudulent conduct, practices and activities by the regulated sectors; and
- (h) to carry out such other objects as may be prescribed.

**Same, financial services sectors**

(2) In addition to the objects set out in subsection (1), the objects of the Authority in respect of the financial services sectors are,

- (a) to promote high standards of business conduct;
- (b) to protect the rights and interests of consumers; and
- (c) to foster strong, sustainable, competitive and innovative financial services sectors.

**Same, pension plans**

(3) In addition to the objects set out in subsection (1), the objects of the Authority in respect of pension plans are,

- (a) to promote good administration of pension plans; and
- (b) to protect and safeguard the pension benefits and rights of pension plan beneficiaries.

**3 Section 6 of the Act is repealed and the following substituted:**

**Powers and duties of the Authority**

**6 (1)** The Authority has the capacity, rights, powers and privileges of a natural person for carrying out its objects, subject to the limitations under this Act.

**Same**

(2) The Authority shall,

- (a) exercise the powers and duties conferred on or assigned to the Authority; and
- (b) administer and enforce this Act and every other Act that confers powers on or assigns duties to the Authority.

**4 Subsection 7 (3) of the Act is repealed and the following substituted:**

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

(3) The *Not-for-Profit Corporations Act, 2010* does not apply to the Authority except as prescribed in the regulations made under this Act.

**5 (1) Subsection 9 (1) of the Act is amended by striking out “and” at the end of clause (f), by adding “and” at the end of clause (g) and by adding the following clause:**

- (h) governing the refund of amounts paid to the Authority under this or any other Act and authorizing employees of the Authority to approve refunds subject to such conditions and in such circumstances as the Authority considers appropriate.

**(2) Subsection 9 (9) of the Act is amended by striking out “the Internet” and substituting “the website of the Authority”.**

**6 Subsection 10 (2) of the Act is repealed and the following substituted:**

**Chief Executive Officer**

(2) The board of directors shall appoint a Chief Executive Officer who shall, subject to the supervision and direction of the board of directors,

- (a) be responsible for the management and administration of the Authority; and
- (b) exercise the powers and duties conferred on or assigned to the Chief Executive Officer under any Act.

**Delegation of powers and duties**

(2.1) A quorum of the board of directors may in writing delegate any of its powers and duties under this Act or any other Act to the Chief Executive Officer and may impose conditions and restrictions on the delegation.

**Same, exception**

(2.2) Despite subsection (2.1), the board of directors may not delegate the power to make rules under section 21.

**Same, delegation**

(2.3) Subject to the written approval of the board of directors, the Chief Executive Officer may in writing delegate any of the Chief Executive Officer’s powers and duties that have been conferred on or assigned to the Chief Executive Officer under any Act, or that have been delegated to the Chief Executive Officer under subsection (2.1), to an officer or other employee of the Authority and may impose conditions and restrictions on the delegation.

**7 Section 11 of the Act is repealed and the following substituted:**

**Charges**

**11 (1)** The Authority may collect and enforce the payment of such fees, levies, sector assessments and other charges as may be established by a rule of the Authority.

**Authority re income**

(2) Despite Part I of the *Financial Administration Act*, amounts payable to the Authority under this or any other Act and the revenues and investments of the Authority do not form part of the Consolidated Revenue Fund and shall be applied to carrying out the objects of, and the powers conferred and duties imposed on, the Authority under this or any other Act.

**Exceptions**

(3) Despite subsection (2), and subject to the regulations made under this Act, the Authority shall pay into the Consolidated Revenue Fund all money received by the Authority,

- (a) pursuant to the terms of an order or settlement; and
- (b) from administrative penalties.

**Same, regulation**

(4) A regulation made under subsection (3) may permit money to not be paid into the Consolidated Revenue Fund and may require that it be used for a specified purpose.

**8 Subsection 12 (1) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

- (c) it complies with such additional requirements as may be prescribed.

**9 Sections 15 and 16 of the Act are repealed and the following substituted:**



### **Assessment of the Authority**

**15** (1) The Lieutenant Governor in Council may assess the Authority annually with respect to all expenses and expenditures that the Ministry has incurred and made in respect of preparing the Authority to carry out its regulatory function and in respect of the regulated sectors.

### **Same, prescribed requirements**

(2) An assessment under subsection (1) shall be determined in the manner prescribed by the regulations made under this Act.

### **Payment of assessment**

**16** (1) The Authority shall pay the amount of the assessment into the Consolidated Revenue Fund.

### **Unpaid assessment**

(2) If the Authority does not pay the assessment, the unpaid amount of the assessment is a debt due to the Crown and the Crown may recover the debt by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown.

**10 Section 20 of the Act is amended by striking out “the Superintendent of Financial Services or”.**

**11 Sections 21 to 24 of the Act are repealed and the following substituted:**

## **RULES**

### **Rules re regulated sector**

**21** (1) If an Act provides that the Authority may make rules, the Authority may make rules in respect of any matter over which the Act gives the Authority rule-making authority.

### **Rules re charges**

(2) The Authority may make rules governing fees, levies, sector assessments and other charges that the Authority may impose, including, but not limited to,

- (a) for filing;
- (b) for applications for licences or registration;
- (c) in respect of compliance reviews and audits made by the Authority; and
- (d) in connection with the work described in sections 4 and 6, and other work that relates to the objects of the Authority under section 3, including any assessment that the Authority is required to pay under this Act or any other Act.

### **Exception**

(3) Despite subsection (2), the Authority may not make rules in respect of administrative penalties.

### **Legislation Act, 2006, Part III**

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the rules made under this Act.

### **Conflict: regulations, rules**

(5) If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and a rule made under this Act, the regulation prevails, but in all other respects a rule has the same force and effect as a regulation.

### **Publication of proposed rules**

**22** (1) The Authority shall publish notice of every rule that it proposes to make on the website of the Authority.

### **Notice**

(2) The notice must include the following:

1. The proposed rule.
2. A statement of the substance and purpose of the proposed rule.
3. A summary of the proposed rule.
4. A discussion of all alternatives to the proposed rule that were considered by the Authority and the reasons for not proposing the adoption of the alternatives considered.
5. A reference to any significant unpublished study, report or other written materials on which the Authority relies in proposing the rule.
6. A description of the anticipated costs and benefits of the proposed rule.

7. A description of any recommendations that the Authority proposes with respect to the amendment or revocation of a regulation or provision in a regulation that relates to the implementation of the proposed rule.

### **Exception**

(3) The Authority does not have to make reference to written material that, in the opinion of the Authority, should be held in confidence because it discloses sensitive financial, personal or other information and the desirability of avoiding disclosure of the substance of it or its existence in the interests of any person affected outweighs the desirability of making it or knowledge of its existence available to the public.

### **Representations**

(4) Upon publication of a notice under subsection (1), the Authority shall invite, and shall give reasonable opportunity to, interested persons to make written representations with respect to the proposed rule within a period of at least 90 days after the publication.

### **Exceptions to notice requirement**

(5) Publication of a notice is not required if,

- (a) all persons who would be subject to the proposed rule are named, the information set out in subsection (2) is sent to each of them and they and any other person whose interests are likely to be substantially affected by the proposed rule are given an opportunity to make written representations with respect to it;
- (b) the proposed rule grants an exemption or removes a restriction and is not likely to have a substantial effect on the interests of persons other than those who benefit under it;
- (c) what is proposed is only an amendment that does not materially change an existing rule; or
- (d) the Authority,
  - (i) believes that there is an urgent need for the proposed rule and that, without it, there is a substantial risk of material harm to consumers, investors, pension plan beneficiaries, persons who establish pension plans or the integrity of a regulated sector, and
  - (ii) has the approval of the Minister to make the rule without publication of notice.

### **Publication**

(6) When a rule to which clause (5) (d) applies comes into force, the Authority shall publish a statement setting out the substance and purpose of the rule and the nature of the urgency and the risk on the website of the Authority.

### **Changes to proposal**

(7) If, following the publication of the notice and consideration of the submissions, the Authority proposes material changes to the proposed rule, the Authority shall publish notice of the proposed changes on the website of the Authority.

### **Notice of changes**

(8) The notice must include the following:

- 1. The proposed rule with the changes incorporated.
- 2. A concise statement of the purpose of the changes.
- 3. The reasons for the changes.

### **Representations re changes**

(9) Upon publication of a notice of changes, the Authority shall invite, and shall give a reasonable opportunity to, interested persons to make written representations with respect to the changes within such period as the Authority considers appropriate.

### **Making rule**

(10) In cases where a notice and comment process is required, the Authority may make the rule only at the end of the notice and comment process and after considering all representations made as a result of that process.

### **Inspection of material**

(11) The Authority shall make all written representations made under this section available for public inspection during the normal business hours of the Authority.

### **Same**

(12) Despite subsection (11), the Authority may hold written representations in confidence so long as the Authority is of the opinion that the representations so held disclose sensitive financial, personal or other information and that the desirability of

avoiding disclosure thereof in the interests of any person affected outweighs the desirability of adhering to the principle that representations made to the Authority be available to the public for inspection.

### **Interpretation**

(13) In this section and in section 23,

“rule” includes an amendment to and a revocation of a rule.

### **Delivery of rules to Minister**

**23** (1) The Authority must deliver to the Minister a copy of every rule made by it together with the following:

1. A copy of the notices published under section 22, unless publication of the notice was not required, and copies of all documents referred to in the notices.
2. A summary of the representations made and other documents submitted in respect of the rule as proposed.
3. All other information that was considered by the Authority in connection with the making of the rule.

### **Publication**

(2) The Authority shall publish every rule made by it on the website of the Authority as soon as practicable after the rule is made together with the following:

1. The date on which the rule and the material required under subsection (1) were delivered to the Minister.
2. The date the rule is to come into force if an action is not taken by the Minister under subsection (3).
3. A statement of the substance and purpose of the rule.
4. A summary of the written comments received during the comment periods if notice and comment were required.
5. A statement of the Authority setting out its response to the significant issues and concerns brought to the attention of the Authority during the comment periods.

### **Action by Minister**

(3) Within 60 days, or if the rule is a rule under subsection 21 (2), 90 days, after a rule is delivered to the Minister, the Minister may,

- (a) approve the rule;
- (b) reject the rule; or
- (c) return it to the Authority for further consideration.

### **When rules effective**

**24** (1) A rule that is approved by the Minister comes into force 15 days after it is approved unless there is a later day specified in the rule in which case it comes into force on that later day.

### **Same**

(2) If the Minister does not approve a rule, reject it or return it to the Authority for further consideration and a coming into force day,

- (a) that is at least 75 days, or if the rule is a rule under subsection 21 (2), 105 days, after the rule is delivered to the Minister, is specified in the rule, the rule comes into force on the specified day;
- (b) is not specified in the rule, the rule comes into force on the 75th day, or if the rule is a rule under subsection 21 (2), the 105th day, after the rule is delivered to the Minister; or
- (c) that is within 75 days, or if the rule is a rule under subsection 21 (2), 105 days, after the rule is delivered to the Minister, is specified in the rule, the rule comes into force on the 75th day, or if the rule is a rule under subsection 21 (2), the 105th day, after the rule is delivered to the Minister.

### **Same**

(3) A rule that is returned to the Authority for further consideration cannot come into force until it is returned by the Authority to the Minister at which time this section applies as if the rule were delivered for the first time.

### **Same**

(4) A rule that is rejected by the Minister does not come into force.

### **Same**

(5) A rule to which clause 22 (5) (d) applies that is approved by the Minister comes into force on the day it is published on the website of the Authority.

**Revocation by operation of law**

(6) A rule to which clause 22 (5) (d) applies is revoked on the 275th day after it comes into force.

**Publication**

(7) The Authority shall publish every rule that comes into force in *The Ontario Gazette* and on the website of the Authority.

**Deemed notice**

(8) Every person affected by a rule shall be deemed to have notice of it when it is published on the website of the Authority.

**Returned for reconsideration**

**25** (1) If the Minister returns a rule to the Authority for further consideration, the Minister may specify what is to be considered, the conditions that apply and the process to be followed.

**Same**

(2) Subject to any instruction that the Authority receives under subsection (1), the Authority shall consider any rule returned to it in the manner and following the process that it feels is appropriate.

**Publication**

**26** The Authority shall publish on its website notice of,

- (a) any action taken by the Minister under subsection 23 (3) in respect of every rule that the Authority has delivered to the Minister; and
- (b) any matter specified by the Minister under subsection 25 (1) to be considered.

**Studies**

**27** (1) The Minister may in writing require the Authority,

- (a) to study and make recommendations in respect of any matter of a general nature under or affecting a statute, regulation or rule that governs a regulated sector; and
- (b) to consider making a rule in respect of a matter specified by the Minister.

**Publication**

(2) The Authority shall publish notice of every requirement from the Minister made under subsection (1) on the website of the Authority.

**Notice**

(3) The notice must include the following:

- 1. A statement of the substance of the requirement.
- 2. A reference to every unpublished study, report or other written materials provided to the Authority by the Minister other than materials that the Minister has asked the Authority to treat as confidential.

**REGULATIONS****Regulations**

**28** The Lieutenant Governor in Council may make regulations prescribing any matter mentioned in this Act as prescribed.

**Commencement**

**12** (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 4 comes into force on the later of the day section 11 of this Schedule comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

**SCHEDULE 17**  
**FINANCIAL SERVICES TRIBUNAL ACT, 2017**

**CONTENTS**

		DEFINITIONS
1.	Definitions	
		TRIBUNAL
2.	Tribunal continued	
3.	Duties and powers	
4.	Duties of chair	
5.	Hearing panels	
		CERTIFICATES AND DOCUMENTS
6.	Certificates issued by Tribunal	
7.	Admissibility as evidence	
		PROCEEDINGS BEFORE TRIBUNAL
8.	Exclusive jurisdiction	
9.	Orders	
10.	Proceedings	
11.	Frivolous or vexatious proceeding	
12.	Power over witnesses	
13.	Costs	
14.	Immunity	
		ASSESSMENTS
15.	Assessment of regulated sectors	
		FEES AND REGULATIONS
16.	Fees	
17.	Regulations	
		AMENDMENTS
18.	Amendments to this Act	
19.	Credit Unions and Caisses Populaires Act, 1994	
20.	Financial Services Commission of Ontario Act, 1997	
21.	Financial Services Regulatory Authority of Ontario Act, 2016	
22.	Insurance Act	
23.	Loan and Trust Corporations Act	
24.	Mortgage Brokerages, Lenders and Administrators Act, 2006	
25.	Pension Benefits Act	
26.	Prepaid Hospital and Medical Services Act	
27.	Pooled Registered Pension Plans Act, 2015	
		COMMENCEMENT AND SHORT TITLE
28.	Commencement	
29.	Short title	

**DEFINITIONS**

**Definitions**

**1** In this Act,

“Minister” means the Minister of Finance or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“regulated sector” has the same meaning as in section 1 of the *Financial Services Commission of Ontario Act, 1997*; (“secteur réglementé”)

“Superintendent” means the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997*; (“surintendant”)

“Tribunal” means the Financial Services Tribunal. (“Tribunal”)

**TRIBUNAL**

**Tribunal continued**

**2** (1) The Financial Services Tribunal is continued under the name Financial Services Tribunal in English and Tribunal des services financiers in French.

## **Members**

(2) The Tribunal shall consist of not fewer than nine members.

## **Appointment**

(3) The Lieutenant Governor in Council shall appoint the members and designate the term of their appointment.

## **Experience and expertise**

(4) In appointing members to the Tribunal, the Lieutenant Governor in Council shall, to the extent practicable, appoint members who have experience and expertise in the regulated sectors.

## **Chair and vice-chair**

(5) The Lieutenant Governor in Council shall designate one of the members as chair and two other members as vice-chairs of the Tribunal.

## **Acting chair**

(6) If the chair is absent or unable to act, or if the office of the chair is vacant, the vice-chairs shall designate one of them to act in the place of the chair who shall have the powers of the chair.

## **Acting vice-chair**

(7) If a vice-chair is absent or unable to act, or if the office of a vice-chair is vacant, the chair may designate a member of the Tribunal to act in the place of the vice-chair who shall have the powers of the vice-chair.

## **Deficiency in number**

(8) If there are fewer than nine, but at least two, members in office, the Tribunal shall be deemed to be properly constituted for a period not exceeding 90 days after the deficiency in number of members first occurs.

## **Remuneration and expenses**

(9) The members of the Tribunal shall receive the remuneration and reimbursement of expenses that are fixed by the Lieutenant Governor in Council.

## **Transition, members**

(10) The members of the Financial Services Tribunal holding office immediately before this section comes into force shall be members of the Tribunal until the Lieutenant Governor in Council appoints their successors under subsection (3).

## **Same, chair and vice-chairs**

(11) The chair and the vice-chairs of the Financial Services Tribunal holding office immediately before this section comes into force shall be the chair and the vice-chairs of the Tribunal until the Lieutenant Governor in Council designates their successors under subsection (5).

## **Employees**

(12) Such employees as are necessary to carry out the duties of the Tribunal may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

## **Duties and powers**

**3** (1) The Tribunal shall hold the hearings and perform the other duties that are assigned to it by or under any Act.

## **Powers**

(2) Except as limited by this Act, the Tribunal has all the powers that are necessary or expedient for carrying out its duties.

## **Duties of chair**

**4** The chair shall have general supervision and direction over the conduct of the affairs of the Tribunal and shall arrange the sittings and assign members to panels to conduct hearings as circumstances require.

## **Hearing panels**

**5** (1) A matter before the Tribunal may be heard and determined by a panel consisting of one or more members of the Tribunal, as assigned by the chair of the Tribunal.

## **Assigning panels**

(2) In assigning members of the Tribunal to a panel, the chair shall take into consideration the requirements, if any, for experience and expertise to enable the panel to decide the issues raised in the matter before the Tribunal.

## CERTIFICATES AND DOCUMENTS

### **Certificates issued by Tribunal**

**6** (1) The Tribunal may issue a certificate,

- (a) stating that a copy of, or extract from, a document or thing in the custody of the Tribunal is a true copy of, or extract from, the document or thing;
- (b) stating the date when a document was served on, delivered to or filed with the Tribunal; or
- (c) stating the date when the Tribunal received or issued a document or notification.

### **Signatory**

(2) The chair or a vice-chair of the Tribunal, or a person designated by the chair, may sign certificates on behalf of the Tribunal.

### **Admissibility as evidence**

**7** (1) An official document that purports to be signed on behalf of the Tribunal shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or the position of the person appearing to have signed the official document.

### **Definition**

(2) In subsection (1),

“official document” means a certificate, order, decision or notice of the Tribunal under this Act and every other Act that confers powers on or assigns duties to the Tribunal.

### **True copies**

(3) A true copy certified by the Tribunal under clause 6 (1) (a) is admissible in evidence to the same extent as and has the same evidentiary value as the document or thing of which it is a copy.

## PROCEEDINGS BEFORE TRIBUNAL

### **Exclusive jurisdiction**

**8** The Tribunal has exclusive jurisdiction to,

- (a) exercise the powers conferred on it under this Act and every other Act that confers powers or assigns duties to it; and
- (b) determine all questions of fact or law that arise in any proceeding before it under any Act mentioned in clause (a).

### **Orders**

**9** (1) The Tribunal shall determine matters before it by order.

### **Conditions**

(2) The Tribunal may make an order subject to the conditions that are set out in the order.

### **Interim orders**

(3) The Tribunal may make interim orders before making the final order in a matter before it.

### **No appeal**

(4) An order of the Tribunal is final and conclusive for all purposes unless the Act under which the Tribunal made it provides for an appeal.

### **Proceedings**

**10** (1) For a proceeding before the Tribunal, the Tribunal may,

- (a) make rules for the practice and procedure to be observed;
- (b) determine what constitutes adequate public notice;
- (c) before or during a proceeding, conduct any inquiry or inspection that the Tribunal considers necessary; or
- (d) in determining any matter, consider any relevant information obtained by the Tribunal in addition to evidence given at the proceeding, if the Tribunal first informs the parties to the proceeding of the additional information and gives them an opportunity to explain or refute it.

### **Same, consolidation of proceedings**

(2) Despite subsection 9.1 (1) of the *Statutory Powers Procedure Act*, the Tribunal may combine two or more proceedings or any part of them, or hear two or more proceedings at the same time, without the consent of the parties.

### **Same, use of same evidence**

(3) Despite subsection 9.1 (5) of the *Statutory Powers Procedure Act*, the Tribunal may treat evidence that is admitted in a proceeding as if it were also admitted in another proceeding that is heard at the same time, without the consent of the parties to the second-named proceeding.

### **Frivolous or vexatious proceeding**

**11** If, on the application of a party to a proceeding before the Tribunal with notice to the other parties, the Tribunal is satisfied that the proceeding is frivolous or vexatious, the Tribunal may refuse to hear the matter and may terminate the proceeding at any time and make an order of costs as it considers appropriate in the circumstances.

### **Power over witnesses**

**12** (1) For the purposes of exercising its powers and performing its duties under this or any other Act, the Tribunal has the same power that the Superior Court of Justice has in the trial of civil actions to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents, records and things.

### **Evidence by affidavit**

(2) The Tribunal may require or permit persons to give evidence before it by affidavit.

### **Costs**

**13** (1) The Tribunal may order that a party to a proceeding before it pay the costs of another party or the Tribunal's costs of the proceedings.

### **Tribunal's costs**

(2) The Tribunal's costs of a proceeding consist of the expenses, including the cost of inquiries and inspections, that the Tribunal incurs in connection with the proceeding.

### **Amount**

(3) The Tribunal shall determine the amount of an order for costs in accordance with the rules of the Tribunal.

### **Immunity**

**14** (1) No action or other proceeding for damages shall be instituted against any member of the Tribunal, any employee appointed to the service of the Tribunal or any person engaged by the Tribunal for any act done in good faith in the execution or intended execution of the person's powers or duties or for any neglect or default in the execution, in good faith, of the person's powers or duties.

### **Crown liability**

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of any liability to which it would otherwise be subject.

### **Testimony in civil proceedings**

(3) No member of the Tribunal shall be required to testify in a civil proceeding, in a proceeding before the Superintendent or the Tribunal or in a proceeding before any other tribunal respecting information obtained in the discharge of the person's duties under this Act or any other Act.

### **Same**

(4) No employee appointed to the service of the Tribunal or person engaged by the Tribunal shall be required to testify in a civil proceeding, in a proceeding before the Superintendent or the Tribunal or in a proceeding before any other tribunal respecting information obtained in the discharge of the person's duties under this Act or any other Act.

## **ASSESSMENTS**

### **Assessment of regulated sectors**

**15** Assessments of the regulated sectors with respect to expenses and expenditures incurred and made by the Tribunal in respect of the regulated sectors shall be made and determined in accordance with sections 25 and 26 of the *Financial Services Commission of Ontario Act, 1997*.

## **FEES AND REGULATIONS**

### **Fees**

**16** The Minister may make regulations governing fees under this Act to be paid by parties to proceedings before the Tribunal, including,

- (a) requiring the payment of fees in relation to proceedings before the Tribunal;
- (b) prescribing the amount of fees or the manner of determining fees; and



- (c) prescribing the manner in which and the period within which fees must be paid.

### **Regulations**

**17** The Lieutenant Governor in Council may make regulations prescribing any matter mentioned in this Act as prescribed.

## **AMENDMENTS**

### **Amendments to this Act**

**18 (1)** Section 1 of this Act is amended by adding the following definition:

“Authority” means the Financial Services Regulatory Authority of Ontario established under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Office”)

**(2)** Section 15 of this Act is repealed and the following substituted:

## **ASSESSMENTS**

### **Assessment of the Authority**

**15 (1)** The Lieutenant Governor in Council may assess the Authority annually with respect to all expenses and expenditures that the Tribunal and the Ministry have incurred and made under this Act or any other Act that confers powers or assigns duties to the Tribunal.

### **Same, prescribed requirements**

**(2)** An assessment under subsection (1) shall be determined in the manner prescribed by the regulations made under this Act.

### **Same, fees received**

**(3)** In setting an assessment under subsection (1), the Lieutenant Governor in Council shall take into account the fees that the Crown has received under this Act or any other Act that confers powers or assigns duties to the Tribunal.

### **Payment of assessment**

**15.1 (1)** The Authority shall pay the amount of the assessment into the Consolidated Revenue Fund.

### **Unpaid assessment**

**(2)** If the Authority does not pay the assessment, the unpaid amount of the assessment is a debt due to the Crown and the Crown may recover the debt by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown.

### ***Credit Unions and Caisses Populaires Act, 1994***

**19** The definition of “Tribunal” in section 1 of the *Credit Unions and Caisses Populaires Act, 1994* is repealed and the following substituted:

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*. (“Tribunal”)

### ***Financial Services Commission of Ontario Act, 1997***

**20 (1)** The definition of “Tribunal” in section 1 of the *Financial Services Commission of Ontario Act, 1997* is repealed and the following substituted:

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*. (“Tribunal”)

**(2)** Subsection 4 (3) of the Act is amended by striking out “Tribunal” and substituting “Commission”.

**(3)** Sections 6 and 7 of the Act are repealed.

**(4)** Subsection 8 (2) of the Act is amended by striking out “or the Tribunal respectively” wherever it appears.

**(5)** Subsection 9 (1) of the Act is amended by striking out “the members of the Tribunal”.

**(6)** Subsection 10 (1) of the Act is amended by striking out “or the Tribunal” wherever it appears.

**(7)** Subsection 10 (2) of the Act is repealed and the following substituted:

### **Testimony in civil proceedings**

**(2)** The Superintendent shall not be required to testify in a civil proceeding, in a proceeding before the Superintendent or the Tribunal or in a proceeding before any other tribunal respecting information obtained in the discharge of the Superintendent’s duties under this Act or any other Act.

**(8)** Subsection 10 (3) of the Act is amended by striking out “person engaged by the Superintendent or the Tribunal” and substituting “person engaged by the Superintendent”.

**(9)** Subsection 12 (3) of the Act is amended by striking out “the Superintendent and the Tribunal” and substituting “and the Superintendent”.

**(10) Sections 18 to 24 of the Act are repealed.**

**(11) Section 28 of the Act is amended by adding the following subsection:**

**Same, transitional matters**

(2) The Lieutenant Governor in Council may make regulations governing transitional matters arising in respect of assessments made under this Act due to the amendments to this Act made by Schedule 17 of the *Stronger, Fairer Ontario Act (Budget Measures)*, 2017.

***Financial Services Regulatory Authority of Ontario Act, 2016***

**21 The definition of “Financial Services Tribunal” in section 1 of the *Financial Services Regulatory Authority of Ontario Act, 2016* is repealed and the following substituted:**

“Financial Services Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*; (“Tribunal des services financiers”)

***Insurance Act***

**22 The definition of “Tribunal” in section 1 of the *Insurance Act* is repealed and the following substituted:**

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*; (“Tribunal”)

***Loan and Trust Corporations Act***

**23 The definition of “Tribunal” in section 1 of the *Loan and Trust Corporations Act* is repealed and the following substituted:**

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*; (“Tribunal”)

***Mortgage Brokerages, Lenders and Administrators Act, 2006***

**24 The definition of “Tribunal” in section 1 of the *Mortgage Brokerages, Lenders and Administrators Act, 2006* is repealed and the following substituted:**

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*. (“Tribunal”)

***Pension Benefits Act***

**25 The definition of “Tribunal” in subsection 1 (1) of the *Pension Benefits Act* is repealed and the following substituted:**

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*; (“Tribunal”)

***Pooled Registered Pension Plans Act, 2015***

**26 The definition of “Tribunal” in section 2 of the *Pooled Registered Pension Plans Act, 2015* is repealed and the following substituted:**

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*. (“Tribunal”)

***Prepaid Hospital and Medical Services Act***

**27 The definition of “Tribunal” in section 1 of the *Prepaid Hospital and Medical Services Act* is repealed and the following substituted:**

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*. (“Tribunal”)

**COMMENCEMENT AND SHORT TITLE**

**Commencement**

**28 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**Short title**

**29 The short title of the Act set out in this Schedule is the *Financial Services Tribunal Act, 2017*.**

**SCHEDULE 18  
GREEN ENERGY ACT, 2009**

**1 The *Green Energy Act, 2009* is amended by adding the following Part:**

**PART III.1  
ENERGY DATA**

**Definitions**

**15.1** In this Part,

“account holder” means a person or entity who has an account with an energy provider; (“détenteur de compte”)

“Board” means the Ontario Energy Board; (“Commission”)

“energy” means electricity and such other types of energy prescribed for the purposes of this Part; (“énergie”)

“energy data” means such types or classes of data related to the consumption of energy as may be prescribed and such other data as may be prescribed; (“données énergétiques”)

“energy provider” means such persons or entities prescribed for the purposes of this Part. (“fournisseur d’énergie”)

**Requirement to make energy data available**

**15.2** (1) On and after the prescribed date, every energy provider shall, in accordance with the regulations, make the energy data in respect of an account holder available to the account holder or to such other persons or entities as may be authorized by the account holder.

**Procurement**

(2) If an energy provider enters into a procurement process, contract or arrangement in relation to the acquisition or development of systems or technology to meet the requirements of subsection (1), the procurement process, contract or arrangement shall meet such criteria or requirements as may be prescribed.

**Additional requirements**

(3) In addition to the matters set out in this section, an energy provider shall comply with such other requirements as may be prescribed for the purposes of this section.

**Extension of time**

(4) The Board may, in the prescribed circumstances and subject to the prescribed requirements, with or without a hearing, extend the time period for when an energy provider must comply with subsection (1).

**Reports**

(5) An energy provider shall submit to the Board or to the Minister of Energy such reports and information as the Board or the Minister, as the case may be, may require from time to time.

**2 Subsection 16 (2) of the Act is amended by adding the following clause:**

- (1) governing everything required under or that may be prescribed under Part III.1 and generally how the Part is to be complied with, including,
  - (i) prescribing types or classes of energy data, including prescribing different types or classes of energy data for different types or classes of energy or for different energy providers or classes of energy providers,
  - (ii) specifying or clarifying the meaning of “account holder” in section 15.1,
  - (iii) governing the manner in which energy data must be made available by energy providers,
  - (iv) prescribing requirements relating to how an account holder may authorize another person or entity to receive energy data,
  - (v) prescribing criteria or requirements that the procurement process, contract or arrangement must meet for the purpose of subsection 15.2 (2),
  - (vi) governing certification requirements relating to the implementation of the requirements under subsection 15.2 (1), including requiring energy providers to obtain a certification, prescribing the manner in which such certification may be obtained, the persons or entities that are authorized to provide the certification and any fees to be paid to those persons or entities for the certification,
  - (vii) governing extensions of time that may be granted to energy providers by the Board under subsection 15.2 (4), including prescribing the maximum period for which an extension may be granted and the circumstances in which an extension may be granted,

- (viii) requiring and governing reports and information that energy providers or other persons or entities must provide to the Minister of Energy, to the Board or to other persons or entities, including prescribing the manner and form in which reports or information must be provided.

***Ontario Energy Board Act, 1998***

**3 The definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is amended by adding the following clause:**

- (c.3) a provision of Part III.1 of the *Green Energy Act, 2009* or of the regulations made under it,

**Commencement**

**4 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 19**  
**HIGH OCCUPANCY TOLL (HOT) LANES ACT, 2017**

**CONTENTS**

	INTERPRETATION
1.	Definitions
	DESIGNATION AND USE OF HOT LANES
2.	Designation of HOT lanes
3.	Permitted use of HOT lanes
	TOLLING AND ENFORCEMENT OF TOLLS
4.	Toll rate
5.	Obligation to pay toll
6.	Payment of tolls, fees and interest
7.	Failure to pay toll
8.	Dispute
9.	Appointment of dispute arbitrator
10.	Appeal
11.	Repayment of paid tolls
12.	Interest on unpaid tolls, fees
13.	Failure to pay toll — non-validation of vehicle permit
14.	Other remedies
15.	Minister's powers re collection and enforcement
16.	Agreement with person or entity to collect and enforce tolls, etc.
17.	Freedom of information
	OFFENCES
18.	Offences
	REGULATIONS AND FORMS
19.	Regulations made by Lieutenant Governor in Council
20.	Regulations made by Minister
21.	Forms
	CONSEQUENTIAL AMENDMENTS
22.	Highway Traffic Act
23.	Highway 407 Act, 1998
24.	Highway 407 East Act, 2012
	COMMENCEMENT AND SHORT TITLE
25.	Commencement
26.	Short title

INTERPRETATION

**Definitions**

**1** In this Act,

“HOT lane” means a high occupancy toll lane designated under section 2; (“voie VMOT”)

“Minister” means the Minister of Transportation or such other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“prescribed”, except in the definition of “toll device”, means prescribed by regulations made under this Act; (“prescrit”)

“Registrar” means the Registrar of Motor Vehicles appointed under the *Highway Traffic Act*; (“registrateur”)

“toll device” means a toll device prescribed under clause 191.4 (2) (a) of the *Highway Traffic Act*; (“appareil à péage”)

“vehicle permit” means a permit as defined in subsection 6 (1) of the *Highway Traffic Act*. (“certificat d'immatriculation de véhicule”)

DESIGNATION AND USE OF HOT LANES

**Designation of HOT lanes**

**2** (1) If a part of a highway designated as the King's Highway under subsection 7 (1) of the *Public Transportation and Highway Improvement Act* has been divided into clearly marked lanes for traffic, the Minister may by regulation designate any lane on that part as an HOT lane.

**Same**

(2) The Minister may, in a regulation made under subsection (1),

- (a) limit the designation to specified days, times of day, conditions or circumstances;
- (b) regulate the use of HOT lanes, which may include,
  - (i) limiting the use of HOT lanes to specified vehicles, or any specified class or type of vehicles, or to vehicles with a specified number or minimum number of occupants and prescribing conditions and circumstances for such use, and
  - (ii) prescribing rules of the road applicable to the use of the lanes, exemptions from any requirement of Part X of the *Highway Traffic Act* or of any regulations made under that Part applicable to the use of the lanes, and conditions and circumstances for such exemptions;
- (c) provide for the erection of signs and the placing of markings to identify HOT lanes and the entry and exit points for HOT lanes;
- (d) prescribe the types of the signs and markings referred to in clause (c), instructions to be contained on them and the location of each type of sign and marking.

**Permitted use of HOT lanes**

**3** No person shall, except in accordance with the regulations made under section 2,

- (a) drive a vehicle in an HOT lane; or
- (b) enter or exit an HOT lane.

**TOLLING AND ENFORCEMENT OF TOLLS****Toll rate**

**4** (1) The toll rate payable for the operation of a vehicle on an HOT lane is,

- (a) the amount that is displayed on the signs erected pursuant to regulations made under clauses 2 (2) (c) and (d); or
- (b) if no amount is displayed on the signs, the amount set out in or calculated in accordance with a regulation made under clause 20 (a).

**Minister may establish toll rates to display on signs**

(2) The Minister may establish toll rates based on traffic speeds and volumes and other factors the Minister considers relevant, and may cause the toll rates to be displayed on the signs described in clause (1) (a).

**Effective toll rate**

(3) The toll rate payable by any person pursuant to clause (1) (a) is the amount that is displayed on the signs when the person enters the part of the HOT lane to which the signs apply.

**Different toll rates**

(4) Different toll rates may apply under clause (1) (a) or (b),

- (a) on different days;
- (b) at different times of the day;
- (c) on different HOT lanes or parts of HOT lanes;
- (d) to different vehicles based on prescribed criteria.

**Non-application of *Legislation Act, 2006***

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a toll rate established under subsection (2).

**Obligation to pay toll**

**5** (1) A toll and any related fee and interest payable under this Act for the operation of a vehicle on an HOT lane shall be paid to the Ministry by,

- (a) if a toll device is not affixed to the vehicle, the person in whose name the plate portion of the vehicle permit is issued;
- (b) if a toll device is affixed to the vehicle, the person to whom the toll device is registered.

**Evidence re use of HOT lane**

(2) The Ministry may collect photographic or electronic evidence, or any other prescribed type of evidence, of,

- (a) the use of an HOT lane;

- (b) the number or minimum number of occupants in a vehicle on an HOT lane; and
- (c) the setting of a toll device, as may be required by a regulation made under clause 191.4 (2) (c) of the *Highway Traffic Act*.

**Same — notification re number of occupants, etc.**

(3) The Ministry may accept notification from a person described in clause (1) (b), submitted in the prescribed form and manner and at the prescribed time, attesting to the number or minimum number of occupants in a vehicle on an HOT lane at a given time and any other prescribed facts.

**Proof**

(4) Evidence collected under subsection (2) or a notification submitted under subsection (3) is proof, in the absence of evidence to the contrary, of the use of an HOT lane, the number or minimum number of occupants in a vehicle using an HOT lane, the setting of a toll device, the obligation to pay a toll and any other prescribed facts.

**Toll device setting not evidence to the contrary**

(5) The setting of a toll device is not evidence to the contrary under subsection (4).

**Application**

(6) Sections 7 to 14 apply to the collection and enforcement of tolls and related fees and interest payable under this Act by a person described in subsection (1), but do not apply to the collection and enforcement of tolls, fees and interest if,

- (a) the person is responsible for the payment of the tolls, fees and interest under clause (1) (b); and
- (b) the toll device that was affixed to the vehicle in question was obtained without providing information identifying the plate portion of a vehicle permit.

**Validation of toll device**

(7) For the purposes of subsection 191.2 (3) of the *Highway Traffic Act*, a toll device is a validated toll device under this Act if a toll device agreement is in effect between the person to whom the toll device is registered and the Minister with respect to that toll device.

**Payment of tolls, fees and interest**

**Tolls and fees**

**6** (1) Subject to any agreement between the Minister and a person responsible for the payment of a toll, a toll or fee is payable on the day an invoice for the toll and fee is sent to that person.

**Interest**

(2) Subject to any agreement between the Minister and a person responsible for the payment of a toll, interest on a toll or fee begins to accrue and is payable 35 days after the invoice for the toll and fee is sent to that person.

**Same**

(3) Subject to a regulation made under clause 20 (e), the rate of interest under subsection (2) is the rate of interest established under subsection 10 (3) of the *Financial Administration Act*.

**Debt to person or entity**

(4) Any fee and interest described in clause 16 (1) (d) or (e) that a person or entity with whom the Minister enters into an agreement under subsection 16 (1) is entitled to establish or charge pursuant to that agreement are a debt owing to the person or entity, and the person or entity has a cause of action enforceable in any court of competent jurisdiction for the payment of that debt.

**Debt to Crown**

(5) Despite an agreement described in subsection 16 (1) that authorizes a person or entity to collect and enforce the payment of tolls, related fees and interest described in clause 16 (1) (a), those tolls, related fees and interest are a debt owing to the Crown.

**Enforcement of debt**

(6) The Crown has a cause of action enforceable in any court of competent jurisdiction for the payment of the debt described in subsection (5) and, where an agreement is entered into under subsection 16 (1) and is in force, the person or entity with whom the Minister enters into the agreement may also enforce the Crown's cause of action in a court of competent jurisdiction for the payment of that debt.

**Debt to Crown extinguished by payment to person or entity**

(7) The debt to the Crown described in subsection (5) is extinguished if the person who is responsible under subsection 5 (1) for paying those tolls, fees and interest pays them to the person or entity authorized under the agreement described in

subsection 16 (1) to collect them, and for the purposes of this subsection, an amount is paid when the person or entity receives final and irrevocable settlement of the amount.

#### **Debt not enforced if disputed or appealed**

(8) A debt described in subsection (4) or (5) may not be enforced while the obligation to pay the toll or fee is being disputed under section 8 or is subject to an appeal under section 10.

#### **Property in tolls, etc.**

(9) Tolls, fees and interest that are collected by or on behalf of the Minister under this Act are the property of the Crown.

#### **Failure to pay toll**

7 (1) If a toll charged for operating a vehicle on an HOT lane or any administrative fee is not paid within 35 days after the day it is payable under subsection 6 (1), the Minister may send the person responsible for the payment of the toll a notice of failure to pay the toll.

#### **Content of notice**

(2) The notice shall,

- (a) set out the amount of the toll and of any administrative fee and the interest rate that is being charged;
- (b) inform the person named in the notice that the person may dispute the matter on a ground described in subsection 8 (1) and set out those grounds;
- (c) inform the person named in the notice that if the person disputes the matter,
  - (i) the person must send a notice of dispute to the Minister within the time period referred to in subsection 8 (2),
  - (ii) the person bears the onus of proving the grounds on which the matter is disputed, and
  - (iii) the person is no longer required to pay the tolls, fees and interest set out in the notice if the Minister fails to send the person a decision within 30 days after receiving the person's notice of dispute; and
- (d) inform the person named in the notice that if the toll or fee referred to in the notice, or any interest on that toll or fee, is not paid within 90 days after the day on which the person received the notice, the Registrar may refuse to validate the person's vehicle permit or refuse to issue a vehicle permit to the person, and that the Registrar may do so even if the failure to pay is disputed under section 8 or is subject to appeal under section 10.

#### **Dispute**

8 (1) A person who receives a notice under section 7 may dispute the alleged failure to pay a toll on any of the following grounds:

- 1. The toll was paid in full.
- 2. The amount of the toll is incorrect.
- 3. The vehicle, the number plate or the toll device registered to the person was lost or stolen at the time the toll was incurred.
- 4. The person is not the person responsible for the payment of the toll under subsection 5 (1).
- 5. A prescribed ground.

#### **Notice of dispute**

(2) A person who receives a notice under section 7 may dispute the alleged failure to pay a toll if the person sends a notice of dispute, setting out the grounds on which the dispute is based, to the Minister within 30 days after receiving the notice of failure to pay the toll under section 7.

#### **Payment without prejudice**

(3) The payment of a toll and related fees and interest shall not prejudice the right of a person who receives a notice under section 7 to dispute the alleged failure to pay the toll, fees and interest.

#### **Onus**

(4) The onus of proving the grounds upon which a dispute under this section is based is on the person who sends the notice of dispute.

#### **Decision**

(5) Within 30 days after receiving a notice of dispute from a person under subsection (2), the Minister shall render a decision and shall send the person a copy of the decision, with or without reasons.



### **Same**

(6) If the dispute is unsuccessful, the Minister shall, in writing together with the copy of the decision, inform the person who gave the notice of dispute of the person's right to appeal the decision to a dispute arbitrator and shall provide the address of a dispute arbitrator.

### **Failure to give timely decision**

(7) If the Minister fails to send a copy of the decision to the person who sent the notice of dispute within the time period required under subsection (5), the person is no longer required to pay the tolls, related fees and interest that were the subject of the dispute.

### ***Statutory Powers Procedure Act***

(8) The *Statutory Powers Procedure Act* does not apply to the Minister's powers of decision under this section.

### **Appointment of dispute arbitrator**

**9** (1) The Lieutenant Governor in Council may appoint a dispute arbitrator for the purposes of section 10.

### **Fees and expenses**

(2) The fees and expenses of the dispute arbitrator shall be paid by the Minister, out of money appropriated for the purpose by the Legislature, unless otherwise provided in an agreement entered into under subsection 16 (1).

### **Appeal**

**10** (1) A person may appeal the Minister's decision under section 8 on any of the grounds described in subsection 8 (1) if the person sends a notice of appeal, setting out the grounds of the appeal, to the dispute arbitrator and to the Minister within 30 days after receiving a copy of the Minister's decision sent under subsection 8 (5).

### **Submission by Minister**

(2) Within 15 days of receipt of a notice of appeal under subsection (1), the Minister may send a written submission to the dispute arbitrator.

### **Copy to appellant**

(3) Upon making a submission under subsection (2), the Minister shall send a copy of the submission to the appellant.

### **Appeal process**

(4) The dispute arbitrator shall review the notice of appeal and any submission made by the Minister under subsection (2) and may,

- (a) decide the matter on the basis of the written material;
- (b) if he or she thinks it appropriate, hold a hearing into the matter; or
- (c) use any available mediation or alternative dispute resolution method that he or she considers appropriate.

### **Appeal decision**

(5) The dispute arbitrator shall decide the appeal solely on the grounds described in subsection 8 (1).

### **Order for expenses**

(6) If the dispute arbitrator finds that the appellant is not responsible for payment of the toll, he or she may order the Minister to pay the appellant the amount of the appellant's reasonable out of pocket expenses incurred in connection with the dispute or appeal of the dispute.

### **Notice of decision**

(7) The dispute arbitrator shall send the appellant, the Minister, an official of or employee in the Ministry who is designated by the Minister for the purpose of this section and the Registrar a copy of his or her decision within 120 days of receiving the notice of appeal under subsection (1).

### **Failure to give timely decision**

(8) If the dispute arbitrator fails to send a copy of his or her decision within the time period set out in subsection (7), the appellant or the Minister may apply to a court of competent jurisdiction for an order compelling the dispute arbitrator to give his or her decision.

### **Decision final**

(9) The decision of the dispute arbitrator is final and binding and is not subject to appeal.

### ***Statutory Powers Procedure Act***

(10) The *Statutory Powers Procedure Act* does not apply to the dispute arbitrator's powers of decision under this section.

### **Repayment of paid tolls**

**11** (1) Where a person who receives a notice of failure to pay under section 7 pays the toll and the related fees and interest, in whole or in part, the Minister shall return the amount paid to the person, together with interest, if,

- (a) the Minister or dispute arbitrator subsequently decides that the person is not responsible for the payment of the toll, fees and interest; or
- (b) the person is no longer required to pay the toll, fees and interest pursuant to subsection 8 (7).

### **Interest rate**

(2) Subject to a regulation made under clause 20 (e), the interest on an amount returned under subsection (1) shall be calculated at the rate of interest established under subsection 10 (3) of the *Financial Administration Act*.

### **Interest on unpaid tolls, fees**

**12** Interest on unpaid tolls and fees continues to accrue even if a person disputes or appeals the obligation to pay a toll.

### **Failure to pay toll — non-validation of vehicle permit**

#### **Notification to Registrar**

**13** (1) If a toll and the related fees and interest are not paid within 90 days of the day a person receives a notice of failure to pay under section 7, the Minister may notify the Registrar of the failure to pay.

#### **Same**

(2) The Minister shall promptly inform the person who received the notice of failure to pay that the Registrar has been notified under subsection (1).

#### **Registrar's action**

(3) If the Registrar is notified under subsection (1), he or she shall, at the next opportunity, refuse to validate the vehicle permit issued to the person who received the notice of failure to pay under section 7 and refuse to issue a vehicle permit to that person.

#### **If dispute**

(4) The Registrar may act under subsection (3) even though the person who received the notice of failure to pay under section 7 has disputed their obligation to pay under section 8 or has appealed a decision of the Minister under section 10.

#### **When toll is paid**

(5) If the Registrar has been notified under subsection (1) and the toll and related fees and interest are subsequently paid, the Minister shall immediately notify the Registrar of the payment.

#### **Same**

(6) If the Registrar is notified by the Minister that the toll, fees and interest have been paid or is notified by the dispute arbitrator that the person is not responsible for paying the toll, fees and interest, the Registrar shall,

- (a) validate any vehicle permit that he or she refused to validate under subsection (3);
- (b) issue a vehicle permit to a person if it was refused under subsection (3).

### **Other remedies**

**14** Actions taken under sections 7 to 13 are in addition to any other methods of collection and enforcement available at law.

### **Minister's powers re collection and enforcement**

**15** (1) The Minister may,

- (a) collect and enforce payment of tolls, and interest on them, with respect to the operation of vehicles on HOT lanes;
- (b) establish, collect and enforce payment of administrative fees and fees to commence or appeal any dispute proceedings, and collect and enforce payment of interest on the fees;
- (c) establish terms and conditions for the registration and distribution of toll devices;
- (d) require security for the provision of any toll devices;
- (e) determine the methods of payment of tolls, fees and interest;
- (f) determine the circumstances in which tolls, fees and interest are to be refunded.

### **Settlement or determination of uncollectability of debt**

(2) Where the Minister sends a notice of failure to pay a toll to a person under section 7, the Minister may,

- (a) negotiate and accept as a settlement in full payment and satisfaction of the tolls, fees and interest owed by the person an amount that is less than the whole amount owing;
- (b) determine that any such tolls, fees or interest are uncollectable; or
- (c) determine that financial hardship, economic considerations or other circumstances do not warrant the collection or enforcement of any such tolls, fees and interest.

#### **Application of *Financial Administration Act***

(3) Subsections 5 (2), (3) and (3.1) of the *Financial Administration Act* apply in respect of a debt that is the subject of a settlement or determination described in subsection (2) of this section as if it were the subject of a settlement or determination described in subsection 5 (1) of that Act.

#### **Agreement with person or entity to collect and enforce tolls, etc.**

**16** (1) The Minister may enter into an agreement with any person or entity authorizing that person or entity,

- (a) to collect and enforce the payment of tolls, related fees and interest with respect to the operation of vehicles on HOT lanes;
- (b) to do anything the Minister is authorized to do under clause 15 (1) (b), (c), (d), (e) or (f) or under subsection 15 (2);
- (c) to perform additional activities in relation to the collection and enforcement of tolls, fees and interest as are specified in the agreement;
- (d) to establish, collect and enforce payment of administrative fees in respect of the activities referred to in clause (c);
- (e) to charge interest for the late payment of the administrative fees established by the person or entity, and to establish rules for determining when interest is owed and for determining the methods of payment of the administrative fees and related interest.

#### **Collected tolls, etc., to be paid to Minister**

(2) An agreement that authorizes a person or entity to collect and enforce payment of the tolls, related fees and interest described in clause (1) (a) shall require the person or entity to pay those collected tolls, fees and interest to the Minister.

#### **Application of *Financial Administration Act* to settlement or determination of uncollectability of debt**

(3) Subsection 15 (3) applies in respect of a debt that is the subject of a settlement negotiated and accepted or a determination by a person or entity pursuant to a provision in the agreement respecting the Minister's power under subsection 15 (2) that is authorized by clause (1) (b).

#### **Administrative fees and interest not public money**

(4) Amounts referred to in clauses (1) (d) and (e) are not public money for the purpose of section 2 of the *Financial Administration Act*.

#### **Person or entity not a Crown agent**

(5) A person or entity with whom the Minister enters into an agreement under subsection (1) is not, for any purposes, a Crown agency within the meaning of the *Crown Agency Act* or an agent of the Crown and shall not hold themselves out as such.

#### **Crown not liable for person's, entity's acts**

(6) No action or other proceeding shall be instituted against the Crown, the Minister, the Registrar or any other official or employee in the Ministry for any act or omission of,

- (a) a person or entity with whom the Minister enters into an agreement under subsection (1); or
- (b) the directors, members, officers, employees, agents or independent contractors of a person or entity described in clause (a).

#### **Auditor General**

(7) The Minister may assign to the Auditor General the rights of the Minister to conduct any audit under an agreement entered into under subsection (1), and section 17 of the *Auditor General Act* applies to any such assignment by the Minister.

#### **References to Minister, Ministry**

(8) Where an agreement is entered into under subsection (1) and is in force, references to the Minister or the Ministry in the following provisions shall be read as referring to the person or entity that is party to the agreement with the Minister:

1. Subsections 5 (1), (2), (3) and (7).
2. Subsection 7 (1) and subclauses 7 (2) (c) (i) and (iii).
3. Subsections 8 (2), (5), (6), (7) and (8).

4. Subsections 10 (1), (2), (3), (4), (6), (7) and (8).
5. Subsection 11 (1).
6. Subsections 13 (1), (2), (4), (5) and (6).

## **Freedom of information**

### **Definitions**

**17 (1)** In this section,

“entity”, except when referring to an entity with whom the Minister enters into an agreement under subsection 16 (1), means the government of a province of Canada or a state of the United States of America; (“entité”)

“personal information” means information that is personal information for the purposes of the *Freedom of Information and Protection of Privacy Act*. (“renseignements personnels”)

### **Collection, use and disclosure of personal information — by Ministry**

(2) Despite any other Act or regulation, the Ministry may,

- (a) collect personal information in any manner from a person or entity with whom the Minister enters into an agreement under subsection 16 (1), or from any person or entity for a purpose described in subsection (4);
- (b) use, for a purpose described in subsection (4), personal information that is in its custody or under its control;
- (c) disclose the names and addresses of persons who owe tolls, related fees and other charges that are in its custody or under its control or other prescribed personal information to a person or entity with whom the Minister enters into an agreement under subsection 16 (1) or to any person or entity for a purpose described in subsection (4).

### **Same — by person or entity under s. 16 (1) agreement**

(3) Despite any other Act or regulation, a person or entity with whom the Minister enters into an agreement under subsection 16 (1) may,

- (a) collect, only for a purpose described in subsection (4), personal information in any manner from the Ministry or an entity;
- (b) use, only for a purpose described in subsection (4), personal information that was collected from the Ministry or an entity;
- (c) disclose, only for a purpose described in subsection (4), personal information that was collected from the Ministry or an entity.

### **Purposes**

(4) The following are the purposes referred to in subsections (2) and (3):

1. To collect and enforce, or assist in the collection and enforcement of, tolls, fees and other charges owing with respect to HOT lanes.
2. To engage or assist in traffic planning and revenue management with respect to HOT lanes.
3. To communicate, or assist in communicating, with users of HOT lanes for the purpose of promoting the use of HOT lanes.
4. To assist an entity with whom the Ministry has an agreement relating to the collection and enforcement of tolls.

### **Agreement required**

(5) Despite any other Act or regulation, the Minister shall, as a condition for the disclosure of personal information pursuant to subsection (2), include in an agreement entered into under subsection 16 (1) a provision that, in the opinion of the Minister, will protect the confidentiality of the personal information and prohibit the use of the personal information for any purpose not described in subsection (4).

### **Other requirements**

(6) In addition to the condition required by subsection (5), the Minister may impose any other conditions that he or she considers appropriate.

### **Confidentiality protected**

(7) A person or entity with whom the Minister enters into an agreement under subsection 16 (1) or any other person who collects personal information from the Ministry shall ensure that all reasonable steps are taken to protect the confidentiality of that personal information, including protecting its confidentiality during its storage, transportation, handling and destruction.

### **Use of information**

(8) For the purposes of the *Freedom of Information and Protection of Privacy Act*, personal information in the custody or under the control of the Ministry may be used by the Ministry for the purposes described in subsection (4), and that use is deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled.

### **Purpose of disclosure**

(9) For the purposes of the *Freedom of Information and Protection of Privacy Act*, personal information disclosed by the Ministry for a purpose described in subsection (4) is deemed to have been disclosed for the purpose of complying with this section.

### **Notice not required**

(10) Subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* does not apply with respect to the collection of personal information authorized by subsection (2) or (3) of this section.

### **Retention of information**

(11) Personal information collected under clause (3) (a) and used by a person or entity with whom the Minister enters into an agreement under subsection 16 (1) shall be retained by that person or entity for at least 65 days unless the individual to whom the information related consents in writing to its earlier disposal.

### **Offence**

(12) A person who knowingly uses or discloses, for a purpose other than a purpose described in subsection (4), personal information that was disclosed to the person by the Ministry under this section is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

## **OFFENCES**

### **Offences**

**18** (1) A person is guilty of an offence who,

- (a) contravenes clause 3 (a) or (b); or
- (b) submits a false or inaccurate notification under subsection 5 (3).

### **Penalty**

(2) On conviction under clause (1) (a) or (b), a person is liable to a fine of not less than \$60 and not more than \$500.

### **Notification re number of occupants, etc.**

(3) A notification submitted by a person under subsection 5 (3) is proof, in the absence of evidence to the contrary, of the facts relevant to whether the person has contravened clause 3 (a) or (b).

### **Toll device setting not evidence to the contrary**

(4) The setting of a toll device is not evidence to the contrary under subsection (3).

## **REGULATIONS AND FORMS**

### **Regulations made by Lieutenant Governor in Council**

**19** The Lieutenant Governor in Council may make regulations,

- (a) prescribing other types of evidence that may be collected under subsection 5 (2);
- (b) prescribing additional facts for which evidence collected under subsection 5 (2) is proof, in the absence of evidence to the contrary;
- (c) prescribing additional grounds on which to dispute a notice of failure to pay a toll;
- (d) respecting additional procedures to be used for enforcing the payment of tolls;
- (e) providing that sections 7 to 13, or any of them, or any provision of a regulation made under this Act, do not apply in respect of all or a part of an HOT lane, and prescribing different rules for the collection and enforcement of tolls, fees and interest and for the resolution of disputes than those set out in those provisions;
- (f) providing that the *Arbitration Act, 1991* or any provision of that Act does not apply to appeals under section 10;
- (g) prescribing personal information for the purpose of clause 17 (2) (c);
- (h) despite this or any other Act, requiring the Minister and the owners or operators of any private toll highways to do the things specified in the regulation in order to achieve the integration of HOT lanes with the other highways specified in the regulation;

- (i) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the purposes of this Act.

### **Regulations made by Minister**

**20** The Minister may make regulations,

- (a) prescribing the toll rate payable for the operation of a vehicle on an HOT lane, including a toll rate of nil, or the method for calculating the toll rate, for the purpose of clause 4 (1) (b);
- (b) prescribing criteria for the purpose of clause 4 (4) (d), which may include characteristics of a vehicle or class of vehicle or of the owner or driver of a vehicle, or the number or minimum number of occupants in a vehicle;
- (c) exempting any person or vehicle or class of persons or vehicles from the obligation to pay a toll, fee or interest under section 5, and prescribing conditions and circumstances for any such exemption;
- (d) prescribing the form of a notification referred to in subsection 5 (3), the manner in which and when it must be submitted, any other facts that must be attested to in the notification and additional facts for which it is proof, in the absence of evidence to the contrary;
- (e) prescribing a rate of interest for the purpose of subsection 6 (3) or 11 (2);
- (f) prescribing and governing methods for sending invoices, notices and other documents.

### **Forms**

**21** The Minister may approve forms for the purposes of this Act and require their use.

### **CONSEQUENTIAL AMENDMENTS**

#### ***Highway Traffic Act***

**22 (1)** The Schedule to section 46 of the *Highway Traffic Act* is repealed and the following substituted:

#### SCHEDULE

*Compulsory Automobile Insurance Act*

*Dangerous Goods Transportation Act*

*High Occupancy Toll (HOT) Lanes Act, 2017*

*Motorized Snow Vehicles Act*

*Off-Road Vehicles Act*

*Public Vehicles Act*

**(2)** Sections 191.1 and 191.2 of the Act are repealed and the following substituted:

#### **Definitions, Part X.1**

**191.1** In this Part,

“electronic toll system” means all of the equipment, including the toll devices prescribed under the regulations made under section 191.4, that is used to electronically determine the amount of tolls owed and who owes them; (“système de péage électronique”)

“HOT lane” means a high occupancy toll lane designated under section 2 of the *High Occupancy Toll (HOT) Lanes Act, 2017*; (“voie VMOT”)

“toll highway” means,

- (a) Highway 407 as defined in the *Highway 407 Act, 1998*,
- (b) Highway 407 East as defined in the *Highway 407 East Act, 2012*,
- (c) an HOT lane, and
- (d) any other highway designated as a toll highway under any Act. (“voie publique à péage”)

#### **Toll device required**

**191.2 (1)** No person shall drive a motor vehicle on a toll highway unless,

- (a) in the case of a toll highway that is not an HOT lane, a validated toll device, as prescribed under clause 191.4 (1) (a), is affixed to the vehicle in accordance with the regulations made under clause 191.4 (1) (b); or

- (b) in the case of an HOT lane, a validated toll device, as prescribed under clause 191.4 (2) (a), is affixed to the vehicle in accordance with the regulations made under clause 191.4 (2) (b) and, if a setting is prescribed under clause 191.4 (2) (c), is set to the prescribed setting.

**Validation, non-HOT lanes**

(2) For the purpose of clause (1) (a), a validated toll device is a toll device that is validated under the *Capital Investment Plan Act, 1993*, the *Highway 407 Act, 1998* or the *Highway 407 East Act, 2012*.

**Same, HOT lanes**

(3) For the purpose of clause (1) (b), a validated toll device is a toll device that is validated under the *High Occupancy Toll (HOT) Lanes Act, 2017*.

**Notification in lieu of setting**

(4) A person who submits a notification in accordance with subsection 5 (3) of the *High Occupancy Toll (HOT) Lanes Act, 2017* is not required to set the toll device to a prescribed setting under clause (1) (b).

**(3) Section 191.4 of the Act is repealed and the following substituted:**

**Regulations**

**Made by Lieutenant Governor in Council**

**191.4** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing toll devices for the purposes of clause 191.2 (1) (a);
- (b) prescribing the manner in which the toll devices prescribed under clause (a) shall be affixed in or on a motor vehicle;
- (c) exempting any vehicle or class of vehicles from the application of clause 191.2 (1) (a) and prescribing conditions and circumstances for any such exemption.

**Made by Minister**

(2) The Minister may make regulations,

- (a) prescribing toll devices for the purposes of clause 191.2 (1) (b);
- (b) prescribing the manner in which the toll devices prescribed under clause (a) shall be affixed in or on a motor vehicle;
- (c) prescribing the setting at which the toll devices prescribed under clause (a) shall be set;
- (d) providing that a notification submitted under subsection 5 (3) of the *High Occupancy Toll (HOT) Lanes Act, 2017* is proof, in the absence of evidence to the contrary, of the number or minimum number of occupants in a vehicle using an HOT lane or of any other facts specified in the regulation and providing that the setting of a toll device is not evidence to the contrary for this purpose;
- (e) exempting any vehicle or class of vehicles from the application of clause 191.2 (1) (b) and prescribing conditions and circumstances for any such exemption.

**Toll devices prescribed for HOT lanes**

(3) For greater certainty, a toll device prescribed under clause (2) (a) may be any kind of device that denotes permission to use HOT lanes, including a device that is the same as or similar to a toll device prescribed under clause (1) (a) or a sticker.

**Highway 407 Act, 1998**

**23** The definition of “toll device” in subsection 1 (1) of the *Highway 407 Act, 1998* is amended by striking out “clause 191.4 (a)” and substituting “clause 191.4 (1) (a)”.

**Highway 407 East Act, 2012**

**24** (1) The definition of “toll device” in subsection 1 (1) of the *Highway 407 East Act, 2012* is amended by striking out “clause 191.4 (a)” and substituting “clause 191.4 (1) (a)”.

**(2) Subsection 4 (3) of the Act is repealed and the following substituted:**

**Same**

(3) Subject to a regulation made under clause 18 (c), the rate of interest under subsection (2) is the rate of interest established under subsection 10 (3) of the *Financial Administration Act*.

**(3) The English version of paragraph 3 of subsection 6 (1) of the Act is amended by striking out “the numbered plate” and substituting “the number plate”.**

**(4) Subsection 9 (2) of the Act is repealed and the following substituted:**

**Interest rate**

(2) Subject to a regulation made under clause 18 (c), the interest on an amount returned under subsection (1) shall be calculated at the rate of interest established under subsection 10 (3) of the *Financial Administration Act*.

**COMMENCEMENT AND SHORT TITLE****Commencement**

**25** The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**Short title**

**26** The short title of the Act set out in this Schedule is the *High Occupancy Toll (HOT) Lanes Act, 2017*.



## SCHEDULE 20 INDIGENOUS INSTITUTES ACT, 2017

### Preamble

The Government of Ontario affirms that it is committed to reconciliation with Indigenous peoples.

The Government of Ontario acknowledges that the United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of Indigenous peoples to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

In Ontario, Indigenous Institutes are Indigenous governed and operated community-based education institutions that are mandated by and accountable to Indigenous communities.

Indigenous Institutes primarily provide accessible post-secondary education and training, and pathways to further learning primarily to Indigenous students in a culturally safe environment.

Indigenous Institutes provide education framed by Indigenous knowledge and languages, worldviews and Indigenous ways of knowing and living, and represent one pathway among others for Indigenous communities and students to achieve their educational visions and goals.

Recognizing that Indigenous Institutes play a unique role in the post-secondary education system of Ontario, the Government of Ontario and Indigenous Institutes have come together, in the spirit of reconciliation, mutual respect and mutual accountability, to enhance educational opportunities for Indigenous students, and to promote the revitalization of Indigenous knowledge, cultures and languages.

### Definitions

1 In this Act,

“Council” means the entity recognized as the Council under subsection 2 (1); (“Conseil”)

“Minister” means the Minister of Advanced Education and Skills Development or such other member of the Executive Council as is designated under the *Executive Council Act* to administer this Act; (“ministre”)

“prescribed” means prescribed in the regulations. (“prescrit”)

### Recognized Council

2 (1) Subject to subsection (2), the Minister shall, by regulation, recognize an Indigenous controlled and governed entity as the Council, which may,

- (a) provide recommendations to the Minister regarding which Indigenous Institutes should be prescribed for the purposes of receiving funding under section 6;
- (b) provide approval, in accordance with section 4, to Indigenous Institutes to grant diplomas, certificates and degrees; and
- (c) provide approval, in accordance with section 5, to Indigenous Institutes to use the term “university” and any derivation of it.

### Conditions precedent on Minister recognition of Council

(2) The Minister shall only recognize a Council under subsection (1) if the Council,

- (a) establishes a quality assurance board and the standards and benchmarks the Council must apply in assessing Indigenous Institutes; and
- (b) establishes, and undertakes to maintain, standards regarding the interests of students at Indigenous Institutes.

### Not Crown agency

(3) The Council is not a Crown agent and shall not hold itself out as such.

### Board appointments by Lieutenant Governor in Council

(4) The Lieutenant Governor in Council may appoint not more than two individuals to the board of directors of the Council for a fixed term specified in the appointment.

### Memorandum of understanding

3 The Council and the Minister shall enter into a memorandum of understanding governing their relationship and containing such terms as may be mutually agreed upon by the parties.

### Approval by Council to grant diplomas, certificates or degrees

4 (1) The Council may approve an Indigenous Institute to grant a diploma, certificate or degree, if the quality assurance board has recommended that the Council do so after the quality assurance board has,

- (a) used the standards and benchmarks established by the Council to assess the institutional capacity and program quality of the Indigenous Institute; and
- (b) identified any conditions with which the Indigenous Institute shall comply in order to adequately protect the interests of students.

***Post-secondary Education Choice and Excellence Act, 2000***

(2) Section 2 of the *Post-secondary Education Choice and Excellence Act, 2000* does not apply to an Indigenous Institute approved under subsection (1).

**Regulation — eligibility criteria**

**5** (1) The Minister may, with the agreement of the Council, make a regulation prescribing the criteria that an Indigenous Institute must meet to be approved by the Council to use the term “university” or any derivation of it.

**Approval by Council to use the term “university”**

(2) The Council may approve an Indigenous Institute to use the term “university” or any derivation of it if the Council determines that the Indigenous Institute meets the prescribed criteria.

**Prescribed by Minister to use the term “university”**

(3) If the Council informs the Minister of an approval, the Minister shall make a regulation indicating that the Indigenous Institute has been approved.

***Post-secondary Education Choice and Excellence Act, 2000***

(4) Section 3 of the *Post-secondary Education Choice and Excellence Act, 2000* does not apply to an Indigenous Institute approved under subsection (2).

**Funding of Indigenous Institutes**

**6** The Minister may make a regulation prescribing the Indigenous Institutes that shall receive regular and ongoing operating funding from the Government of Ontario for the purposes of providing post-secondary education and training.

**Audits and reports**

**7** (1) The Council shall,

- (a) appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the Council at least once a year;
- (b) provide a financial report annually in such form and containing such information as the Minister and the Council may determine; and
- (c) make any reports prepared under clauses (a) and (b) available to the public.

**Same**

(2) An Indigenous Institute prescribed under section 6 shall,

- (a) appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the Indigenous Institute at least once a year;
- (b) provide a financial report annually in such form and containing such information as the Minister and the Council may determine; and
- (c) make any reports prepared under clauses (a) and (b) available to the public.

**Existing aboriginal or treaty rights**

**8** For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

**Regulations**

**9** The Minister may make regulations, in consultation with the Council, providing for such matters as the Minister considers advisable for the purposes of the Act.

**Commencement**

**10** The Act set out in this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

**Short title**

**11** The short title of the Act set out in this Schedule is the *Indigenous Institutes Act, 2017*.

## SCHEDULE 21 INSURANCE ACT

**1 Section 1 of the *Insurance Act* is amended by adding the following definitions:**

“Authority” means the Financial Services Regulatory Authority of Ontario established under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Office”)

“Authority rule” means a rule made under section 121.0.1; (“règle de l’Office”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

**2 Section 41 of the Act is amended by striking out “the regulations” and substituting “the Authority rules”.**

**3 Section 44 of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**4 Subsection 101 (1) of the Act is amended by adding “and subject to the Authority rules” after “required by the Superintendent”.**

**5 Section 101.1 of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**6 (1) Clause 102 (1) (a) of the Act is amended by striking out “on or before the prescribed date for the prescribed category of insurer” and substituting “on or before the date prescribed by the Authority rules for the category of insurer prescribed by the Authority rules”.**

**(2) Clause 102 (1) (b) of the Act is amended by striking out “for the prescribed category of insurer” and substituting “for the category of insurer prescribed by the Authority rules”.**

**(3) Subsection 102 (8) of the Act is amended by striking out “by regulation” and substituting “by Authority rule”.**

**(4) Subsection 102 (8.1) of the Act is amended by striking out “by regulation” and substituting “by Authority rule”.**

**7 Section 104 of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**8 Section 107 of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**9 (1) Paragraph 1 of subsection 121 (1) of the Act is repealed and the following substituted:**

1. respecting any matter in respect of which the Authority may make Authority rules under section 121.0.1, with necessary modifications;

**(2) Paragraphs 3, 5, 6, 7, 8, 11, 11.1, 12, 13, 14, 14.0.1, 14.0.3, 14.0.4, 14.0.5, 15, 17, 18, 19, 19.1, 20, 23, 26.1, 28, 28.2, 28.3.2, 28.3.3, 28.3.4, 29, 33, 33.1, 34, 34.1, 34.2, 35, 36, 36.1, 36.2, 37.1, 37.2, 37.3 and 37.4 of subsection 121 (1) of the Act are repealed.**

**(3) Subsection 121 (1) of the Act is amended by adding the following paragraphs:**

14.0.0.1 prescribing classes of persons for the purposes of clause 129.1 (1) (d);

14.0.0.2 prescribing requirements with which persons must comply for the purpose of subsection 129.1 (3);

**(4) Paragraph 26.0.0.1 of subsection 121 (1) of the Act is amended by striking out “sections 288.1 to 288.7” and substituting “sections 288.1 and 288.2”.**

**(5) Subsection 121 (1) of the Act is amended by adding the following paragraphs:**

28.0.1 respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 392.2 to 392.7;

. . . . .

37. prescribing criteria that must be considered in determining whether to give an approval for the purposes of any provision in Part XVII that refers to approval being given, other than subsection 435.1 (2);

37.0.0.1 prescribing criteria that must be considered in determining whether to give an approval for the purposes of any provision in Part XVII.1 that refers to approval being given;

**(6) Subsection 121 (2) of the Act is repealed and the following substituted:**

**Regulations re transfer of Commission, Superintendent powers, duties and functions**

- (2) The Lieutenant Governor in Council may make regulations,

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) providing for the transfer of powers conferred on, duties assigned to and functions of the Commission under this Act to the Authority or to the Chief Executive Officer;
- (c) deeming references in this Act or the regulations to the Superintendent or the Commission to be references to the Authority or the Chief Executive Officer;
- (d) governing transitional matters that may arise due to the transfers described in clauses (a) and (b) or the deeming of references described in clause (c).

### **Same**

(2.0.1) A regulation made under subsection (2) is subject to such conditions, limitations and restrictions as may be prescribed.

### **Conflicts**

(2.0.2) If there is a conflict between a regulation made under subsection (2) and any Act or any other regulation, the regulation made under subsection (2) prevails, unless the Act or other regulation specifies that it prevails.

**(7) Subsections 121 (4.1) to (7) of the Act are repealed.**

**(8) Subsection 121 (8) of the Act is amended by striking out “(5), (6), (7) or”.**

**(9) Subsection 121 (9) of the Act is amended by striking out “(5), (6), (7) or”.**

**10 The Act is amended by adding the following section:**

### **Authority rules**

**121.0.1** (1) The Authority may make rules in respect of the following matters:

1. Prescribing terms, conditions and limitations with respect to the reinsurance of risk.
2. Prescribing limitations and conditions for the purpose of subsection 43 (4).
3. Designating one or more bodies corporate or associations as compensation associations and designating any such body corporate or association as a compensation association for one or more classes of insurers specified by the Authority rules.
4. Designating insurers for the purposes of clause 44 (3) (a) and designating classes of insurers for the purposes of clause 44 (3) (e).
5. Prescribing ratios, percentages, amounts and calculations for the purposes of subsection 102 (8), and any such Authority rule may prescribe different ratios, percentages, amounts and calculations for one or more classes of insurance and for insurers whose business is limited to that of reinsurance.
6. Exempting any insurer or class of insurers from any Authority rule made under paragraph 5, subject to such terms and conditions as may be set out in the Authority rules.
7. Prescribing categories of insurers for the purpose of subsection 101 (1), requiring insurers to file a return under that subsection by category and prescribing the information that insurers may solicit from insured persons for the purposes of such returns.
8. Prescribing the information to be provided under section 101.1 and any conditions that apply to the provision of the information.
9. Prescribing categories of insurers for the purposes of subsection 102 (1).
10. Prescribing dates for the purposes of clause 102 (1) (a).
11. Governing the preparation of financial statements required under this Act, the regulations or the Authority rules.
12. Prescribing the circumstances in which an individual is affiliated with an insurer for the purposes of Part II.2.
13. Governing the establishment and operation of committees of insurers, including setting out requirements respecting the composition, membership, quorum, powers and duties of committees established by the directors of insurers.
14. Exempting any insurer or class of insurers from Part II.2 or from any provision of that Part or the Authority rules made for the purposes of that Part, subject to such conditions as may be set out in the exempting Authority rules.
15. Governing the investment and valuation of the assets of the Fire Mutuals Guarantee Fund.
16. Prescribing information for which access is limited under clause 174 (8) (b).

17. For the purposes of subsection 190 (4), respecting the circumstances under which an insurer may not restrict or exclude in a contract of life insurance the right of an insured to designate persons to whom or for whose benefit insurance money is to be payable and respecting the restriction or exclusion in a contract of such right.
18. Prescribing the rights the insured may exercise under a contract of life insurance in the circumstances described in subsection 197 (2).
19. Prescribing, for the purposes of subsection 236 (6), types of contracts and circumstances.
20. Governing the filing and determination of grounds under section 238 for different coverages and categories of automobile insurance, including in respect of,
  - i. filing requirements and materials to be furnished,
  - ii. the provision of information,
  - iii. prohibitions from using grounds, and
  - iv. the criteria to be considered in determining whether a ground to terminate is just and reasonable in the circumstances.
21. Governing the concurrent filing of grounds under section 238.1.
22. Prescribing anything that, in sections 288.3 to 288.7, is required or permitted to be prescribed or to be done in accordance with the Authority rules.
23. Governing the sale and marketing of prescribed classes of insurance to members of a group, including prescribing and regulating qualifications for membership in groups.
24. Governing group insurance contracts or schemes, or any class thereof, including prescribing and regulating their terms and conditions, qualifications for membership in groups and regulating the marketing of group insurance contracts or schemes.
25. Governing the advertising of insurance contracts, or any class thereof, including prescribing and regulating the form and content of advertisements and requiring their filing.
26. Prescribing information for which access is limited under clause 293 (8) (b).
27. For the purpose of subsection 313 (1.2), respecting the circumstances under which an insurer may not restrict or exclude in a contract of accident and sickness insurance the right of an insured to designate persons to whom or for whose benefit insurance money is to be payable and respecting the restriction or exclusion in a contract of such right.
28. Prescribing such matters as are required or permitted to be prescribed under sections 380.1 to 386 with respect to reciprocal insurance exchanges.
29. Prescribing the rights the insured may exercise under a contract of accident and sickness insurance in the circumstances described in subsection 317.1 (2).
30. Prescribing types of contracts of automobile insurance and types of endorsements to contracts of automobile insurance in respect of which sections 410 to 417 apply.
31. Governing applications and approvals in respect of risk classification systems and rates for different coverages and categories of automobile insurance under sections 410 to 417, including in respect of,
  - i. application requirements and materials to be furnished,
  - ii. the provision of information, and
  - iii. the criteria to be considered in determining whether a risk classification system or rate is just and reasonable in the circumstances.
32. Prescribing a risk classification system or elements of a risk classification system that must be used by insurers or a class of insurers in classifying risks for a coverage or category of automobile insurance.
33. Prescribing elements of a risk classification system that insurers or a class of insurers are prohibited from using in classifying risks for a coverage or category of automobile insurance.
34. Prescribing maximum monetary amounts and percentages by which the rate for a class of risks in respect of a coverage or category of automobile insurance may increase or decrease as a result of the application of an Authority rule made under paragraph 32 or 33.
35. With respect to the definition of “commercial loan” in subsection 432 (1),
  - i. prescribing an amount for the purposes of subclause (a) (i) of the definition,

- ii. prescribing international agencies and other entities for the purposes of subclauses (a) (iii) and (b) (ii) of the definition,
  - iii. prescribing rules for determining amounts for the purposes of subclause (a) (v) and sub-subclauses (a) (vi) (A), (a) (vii) (A) and (a) (viii) (A) of the definition, and
  - iv. defining “widely distributed” for the purposes of subclauses (b) (iv) and (c) (i) of the definition.
36. Prescribing classes of subsidiaries of insurers for the purposes of the definition of “prescribed subsidiary” in subsection 432 (1).
  37. Prescribing permitted entities and classes of permitted entities in which an insurer may acquire, hold or increase a substantial investment and prescribing any circumstances or conditions that must be satisfied for an entity to be a permitted entity for the purposes of Part XVII.
  38. Prescribing interests in real property for the purposes of Part XVII.
  39. Respecting the investment by insurers in permitted entities, including restrictions and limits on investments in permitted entities and rules relating to the form of the investments in permitted entities.
  40. Prescribing undertakings and information for the purposes of subsections 435.1 (4) and (5).
  41. Prescribing circumstances in which an insurer or a member of a class of insurers may acquire, hold or increase a substantial investment in an entity or a class of entities.
  42. Prescribing conditions for the purposes of clauses 435.3 (1) (c) and (d).
  43. Prescribing circumstances for the purposes of clause 435.3 (4) (a), 435.4 (4) (a) or 435.6 (4) (a).
  44. For the purposes of section 435.5, prescribing rules for determining which investments are specialized financing, prescribing entities as specialized financing entities and governing an insurer’s specialized financing investments, including venture capital investments.
  45. Prescribing circumstances for the purposes of clause 435.6 (1) (f).
  46. Prescribing rules for determining the various financial limits referred to in Part XVII.
  47. Prescribing restrictions or conditions on the making of investments or loans or on acquiring an interest in property for the purposes of section 435.7.
  48. Prescribing circumstances for the purposes of subsection 435.8 (1).
  49. Prescribing requirements for the purposes of subsection 435.8 (3).
  50. Prescribing an amount or rules for determining an amount for the purposes of,
    - i. subsection 435.9 (1),
    - ii. subsection 435.9 (2),
    - iii. section 435.10,
    - iv. subsection 435.11 (2), and
    - v. subsection 435.12 (2).
  51. Prescribing rules for determining the value of assets and an insurer’s total assets for the purposes of section 435.14.
  52. Prescribing rules and circumstances for the purposes of clause 435.14 (3) (c).
  53. Exempting any insurer or class of insurers from Part XVII or from any provision of that Part or the Authority rules made for the purposes of that Part, subject to such conditions as may be set out in the exempting Authority rules.
  54. Providing that one or more of the financial limits prescribed for the purposes of Part XVII do not apply in respect of an insurer or class of insurers or with respect to an investment or class of investments, or both, and prescribing when the financial limit does not apply and any conditions that must be satisfied for the financial limit not to apply.
  55. Exempting any insurer or class of insurers from Part XVII.1 or from any provision of that Part or the Authority rules made for the purposes of that Part, subject to such conditions as may be set out in the exempting Authority rules.
  56. Prescribing holding companies and circumstances for the purposes of clause 437.13 (2) (c).
  57. Prescribing circumstances in which an insurer may enter into a transaction with a related party and setting out conditions respecting such transactions.
  58. Prescribing conditions and circumstances under which a transaction entered into by a subsidiary of an insurer will not be deemed to have been entered into by the insurer.

59. Prescribing rules and conditions relating to transactions between insurers and related parties.
60. Prescribing, for the purposes of paragraph 1 of subsection 437.18 (1),
  - i. a nominal amount or rules for determining what constitutes a nominal amount, and
  - ii. what constitutes a transaction that is immaterial to an insurer or rules for determining what constitutes an immaterial transaction.
61. Prescribing conditions for the purposes of subparagraph 4 i and rules for the purposes of subparagraph 4 ii of subsection 437.18 (1).
62. Prescribing permitted transactions for the purposes of paragraphs 10 and 16 of subsection 437.18 (1).
63. Prescribing transactions between an insurer and a related party that are permitted for the purposes of subsection 437.18 (4), despite the fact that they are not on terms and conditions at least as favourable to the insurer as market terms and conditions.
64. Prescribing an amount or rules for determining an amount for the purposes of subsection 437.19 (2).
65. Prescribing for the purposes of subsection 437.19 (6),
  - i. types or classes of transactions,
  - ii. rules for determining the total value of transactions, and
  - iii. an amount or rules for determining an amount.
66. Prescribing for the purposes of subsection 437.19 (7),
  - i. types or classes of transactions that require approval of the directors of an insurer,
  - ii. rules for determining the total value of transactions,
  - iii. an amount or rules for determining an amount, and
  - iv. what constitutes approval, including prescribing a minimum percentage of directors who must approve.
67. Prescribing any activity or failure to act that constitutes an unfair or deceptive act or practice under the definition of “unfair or deceptive acts or practices” in section 438, and prescribing requirements that, if not complied with, constitute an unfair or deceptive act or practice.
68. Respecting the relations between insurers, agents or brokers and,
  - i. entities that undertake the business of financial services,
  - ii. financial services intermediaries, and
  - iii. customers of persons and entities referred to in subparagraphs i and ii.
69. Respecting networking arrangements between insurers and other persons providing products or services to the insurer or its customers.
70. Prohibiting or restricting networking arrangements.
71. Governing the conduct of insurers, agents and brokers in networking arrangements.

#### **Classes, service provider’s licences**

(2) For greater certainty, an Authority rule made under paragraph 22 of subsection (1) may create different classes of service provider’s licences and may establish different requirements, conditions and restrictions for each class.

#### **Rules re agents’ licences**

(3) The Authority may make rules relating to licences authorizing a person to act as an insurance agent in Ontario.

#### **Rules re adjusters’ licences**

(4) The Authority may make rules relating to licences authorizing a person to act as an insurance adjuster in Ontario.

#### ***Legislation Act, 2006***

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Authority rules.

#### **Regulation prevails**

(6) If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and an Authority rule, the regulation prevails, but in all other respects an Authority rule has the same force and effect as a regulation.

**11 Subsection 121.23 (2) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**12 Section 121.24 of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”**

**13 The Act is amended by adding the following section:**

**Recovery by innocent persons**

**129.1** (1) If a contract contains a term or condition excluding coverage for loss or damage to property caused by a criminal or intentional act or omission of an insured or any other person, the exclusion applies only to the claim of a person,

- (a) whose act or omission caused the loss or damage;
- (b) who abetted or colluded in the act or omission;
- (c) who,
  - (i) consented to the act or omission, and
  - (ii) knew or ought to have known that the act or omission would cause the loss or damage; or
- (d) who is in a class prescribed by the regulations.

**Recovery limited to proportionate interest**

(2) Nothing in subsection (1) allows a person whose property is insured under the contract to recover more than the person’s proportionate interest in the lost or damaged property.

**Compliance with prescribed requirements**

(3) A person whose coverage under a contract would be excluded but for subsection (1) must comply with the requirements prescribed by the regulations.

**14 Clause 174 (8) (b) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**15 Subsection 190 (4) of the Act is amended by striking out “the regulations” and substituting “the Authority rules”.**

**16 Subsection 197 (2) of the Act is amended by striking out “regulation” at the end and substituting “Authority rule”.**

**17 Subsection 229 (1) of the Act is amended by striking out “prescribed” wherever it appears and substituting in each case “prescribed by the Authority rules”.**

**18 Subsection 236 (6) of the Act is repealed and the following substituted:**

**Exception**

(6) This section does not apply to types of contracts prescribed by the Authority rules in the circumstances prescribed by the Authority rules.

**19 (1) Subsection 238 (4) of the Act is repealed and the following substituted:**

**Prohibition from using ground**

(4) The Superintendent shall notify the insurer orally or otherwise that the insurer is prohibited from using one or more of the grounds filed under subsection (2) if the Superintendent is of the opinion that the ground is not just and reasonable, having considered the criteria set out in the Authority rules.

**(2) Subsections 238 (6) to (13) of the Act are repealed and the following substituted:**

**Decision final**

(6) A decision of the Superintendent is final for all purposes.

**Definition**

(7) In this section,

“insurer” includes the Facility Association.

**20 Subsection 288.3 (3) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**21 (1) Subsection 288.4 (5) of the Act is amended by striking out “a regulation” and substituting “an Authority rule”.**

**(2) Subsection 288.4 (6) of the Act is amended by striking out “the regulations” and substituting “the Authority rules”.**



**22** Clause 293 (8) (b) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.

**23** Subsection 313 (1.2) of the Act is amended by striking out “the regulations” and substituting “the Authority rules”.

**24** Subsection 317.1 (2) of the Act is amended by striking out “regulation” at the end and substituting “Authority rule”.

**25** (1) Subsection 381 (1) of the Act is amended by striking out “regulation” at the end and substituting “Authority rule”.

(2) Subsection 381 (2) of the Act is amended by striking out “regulation” at the end and substituting “Authority rule”.

**26** Subsection 382 (1) of the Act is amended by striking out “regulation” at the end and substituting “Authority rule”.

**27** (1) Subsection 386 (1) of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.

(2) Subsection 386 (2) of the Act is amended by striking out “regulation” and substituting “Authority rule” and by striking out “the prescribed manner” at the end and substituting “the manner prescribed by Authority rule”.

**28** Sections 392.2, 392.3, 392.4 and 392.5 of the Act are amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.

**29** Section 392.8 of the Act is repealed.

**30** (1) Subsection 410 (1.1) of the Act is repealed.

(2) Subsection 410 (2) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.

(3) Section 410 of the Act is amended by adding the following subsection:

**Order requiring application for approval**

(2.1) The Superintendent may order an insurer to apply to the Superintendent for approval of,

- (a) the risk classification system it intends to use, as of the date specified in the order, in determining the rates for each coverage and category of automobile insurance; and
- (b) the rates it intends to use, as of the date specified in the order, for each coverage and category of automobile insurance.

(4) Section 410 of the Act is amended by adding the following subsections:

**Superintendent’s powers**

(4.1) After considering an application and any additional information, material or evidence relating to the application, the Superintendent may do one or more of the following:

- 1. Approve all or part of the application.
- 2. Refuse to approve all or part of the application.
- 3. Require the applicant to reduce or otherwise vary one or more of its current or proposed rates.
- 4. Require the applicant to vary one or more of the elements of its current or proposed risk classification systems.

**Criteria for refusal to approve, etc.**

(4.2) The Superintendent shall refuse to approve all or part of an application and may require the applicant to vary one or more of the elements of its current or proposed risk classification system or to reduce or vary one or more of its current or proposed rates if, in the Superintendent’s opinion, having considered the criteria set out in the Authority rules, the proposed risk classification system or proposed rate is not just and reasonable in the circumstances.

**Decision final**

(4.3) A decision of the Superintendent is final for all purposes.

**31** Section 411 of the Act is repealed and the following substituted:

**Reconsideration by Superintendent**

**411** (1) The Superintendent may notify an insurer that the Superintendent intends to make an order with respect to the risk classification system or rate for a coverage or category of automobile insurance of the insurer if, in the Superintendent’s opinion, having considered the criteria set out in the Authority rules, the current risk classification system or current rate is not just and reasonable in the circumstances.

### **Written submissions**

(2) The Superintendent shall give the insurer an opportunity to make written submissions with respect to the matter.

### **Orders**

(3) After considering the written submissions, if any, the Superintendent may make the order described in the notice or may make a revised order.

### **Order final**

(4) An order of the Superintendent under subsection (3) is final for all purposes.

### **Definition**

(5) In this section,

“insurer” includes the Facility Association.

**32 Sections 412, 412.1, 413 and 413.1 of the Act are repealed.**

**33 Subsection 414 (1) of the Act is amended by striking out “413 or 413.1”.**

**34 Section 415 of the Act is repealed.**

**35 Subsections 417 (1) and (2) of the Act are repealed and the following substituted:**

### **Automobile insurance, systems and rates**

#### **Risk classification systems**

(1) No insurer shall use a rate for a coverage or category of automobile insurance or a risk classification system in classifying risks for a coverage or category of automobile insurance unless the rate or the system,

- (a) is approved by the Superintendent; or
- (b) is required under the Authority rules.

#### **Rates**

(2) No insurer shall use a rate for a coverage or category of automobile insurance that is not approved by the Superintendent or required under the Authority rules.

**36 (1) The definition of “commercial loan” in subsection 432 (1) of the Act is amended by,**

- (a) striking out “prescribed by the regulations” wherever it appears and substituting in each case “prescribed by the Authority rules”; and
- (b) striking out “determined under the regulations” wherever it appears and substituting in each case “determined under the Authority rules”.

(2) The definition of “permitted entity” in subsection 432 (1) of the Act is amended by striking out “by the regulations” and substituting “by the Authority rules”.

(3) The definition of “prescribed subsidiary” in subsection 432 (1) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.

**37 (1) Clause 433 (2) (b) of the Act is amended by striking out “the regulations” and substituting “the Authority rules”.**

(2) Subsection 433 (3) of the Act is amended by striking out “the regulations” in the portion before clause (a) and substituting “the Authority rules”.

**38 Section 435 of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**39 Section 435.1 of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**40 Section 435.2 of the Act is amended by,**

- (a) striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”; and
- (b) striking out “prescribed” wherever it appears and substituting in each case “prescribed by the Authority rules”.

**41 Subsection 435.3 (4) of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**42 Subsection 435.4 (4) of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**43 Section 435.5 of the Act is amended by striking out “the regulations” and substituting “the Authority rules” and by adding “by the Authority rules” after “prescribed”.**

**44 (1) Clause 435.6 (1) (f) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**(2) Clause 435.6 (4) (a) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**45 Section 435.7 of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**46 (1) Subsection 435.8 (1) of the Act is amended by adding “by the Authority rules” after “as may be prescribed” in the portion before clause (a).**

**(2) Subsection 435.8 (3) of the Act is amended by striking out “the regulations” and substituting “the Authority rules”.**

**47 Section 435.9 of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**48 Subsection 435.10 (1) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**49 Subsection 435.11 (2) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**50 Subsection 435.12 (2) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**51 Clause 435.13 (1) (a) of the Act is amended by striking out “or the regulations” at the end and substituting “the regulations or the Authority rules”.**

**52 (1) Subsection 435.14 (2) of the Act is amended by striking out “the regulations” at the end and substituting “the Authority rules”.**

**(2) Clause 435.14 (3) (c) of the Act is amended by striking out “the regulations” wherever it appears and substituting in each case “the Authority rules”.**

**53 (1) Subsection 436 (2) of the Act is amended by striking out “the regulations” in the portion before clause (a) and substituting “the Authority rules”.**

**(2) Subsection 436 (6) of the Act is amended by striking out “the regulations” in the portion before clause (a) and substituting “the Authority rules”.**

#### **Commencement**

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

**SCHEDULE 22**  
**INTERIM APPROPRIATION FOR 2018-2019 ACT, 2017**

**Interpretation**

**1** Expressions used in this Act have the same meaning as in the *Financial Administration Act* unless the context requires otherwise.

**Expenses of the public service**

**2** Pending the voting of supply for the fiscal year ending on March 31, 2019, amounts not exceeding a total of \$138,769,721,600 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

**Investments of the public service**

**3** Pending the voting of supply for the fiscal year ending on March 31, 2019, amounts not exceeding a total of \$5,759,932,500 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

**Expenses of the Legislative Offices**

**4** Pending the voting of supply for the fiscal year ending on March 31, 2019, amounts not exceeding a total of \$251,845,200 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for.

**Charge to proper appropriation**

**5** All expenditures made or recognized under this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2019.

**Commencement**

**6** The Act set out in this Schedule comes into force on April 1, 2018.

**Short title**

**7** The short title of the Act set out in this Schedule is the *Interim Appropriation for 2018-2019 Act, 2017*.

**SCHEDULE 23**  
**LAND TRANSFER TAX ACT**

**1 Section 3 of the *Land Transfer Tax Act* is amended by adding the following subsection:**

**Exception**

(2.1) Despite subsection (2), the Minister may make regulations prescribing different rules respecting when the tax under subsection (2) is payable.

**2 Subsection 5 (7) of the Act is amended by striking out “in a form approved by the Minister” and substituting “in the form and manner approved by the Minister”.**

**3 Subsection 8 (7) of the Act is amended by striking out “refund under this Act” and substituting “refund or rebate under this Act or the regulations”**

**Commencement**

**4 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 24**  
**LIQUOR CONTROL ACT**

**1** (1) Subsection 4.1 (1) of the *Liquor Control Act* is amended by striking out “the *Wine Content Act* and the regulations under those Acts” at the end and substituting “and the regulations under them”.

(2) Section 4.1 of the Act is amended by adding the following subsection:

**Inspectors, *Wine Content and Labelling Act, 2000***

(1.1) The Registrar of Alcohol, Gaming and Racing under the *Alcohol and Gaming Regulation and Public Protection Act, 1996* may designate any person as an inspector to carry out inspections for the purpose of determining whether there is compliance with the *Wine Content and Labelling Act, 2000* and the regulations under it.

**2** Subsection 4.2 (1) of the Act is amended by striking out “the *Wine Content Act* or any regulation under those Acts” at the end and substituting “the *Wine Content and Labelling Act, 2000* or any regulations under them”.

**3** Subsection 4.3 (2) of the Act is amended by striking out “the *Wine Content Act* or of any regulation under those Acts” at the end and substituting “the *Wine Content and Labelling Act, 2000* or any regulations under them”.

**Commencement**

**4** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

**SCHEDULE 25  
MINING TAX ACT**

**1** Paragraph 3 of subsection 6.1 (2) of the *Mining Tax Act* is amended by striking out “six months before the end” in the portion before subparagraph i and substituting “60 days after the first day”.

**Commencement**

**2** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

**SCHEDULE 26**  
**MINISTRY OF REVENUE ACT**

**1 (1) Section 1 of the *Ministry of Revenue Act* is amended by adding the following definition:**

“administrative entity” means,

- (a) a designated administrative authority as defined in section 2 of the *Safety and Consumer Statutes Administration Act, 1996*, or
- (b) any other entity to which the administration of a provision of another Act, or of any regulations made under it, is delegated; (“entité d’application”)

**(2) Clause (a) of the definition of “administrative entity” in section 1 of the Act, as enacted by subsection (1), is repealed and the following substituted:**

- (a) a delegated administrative authority as defined in section 2 of the *Delegated Administrative Authorities Act, 2012*;

**2 Section 11.5 of the Act is repealed and the following substituted:**

**Underground economy: collection and analysis of information**

**11.5** (1) The Minister may request information about a person or entity that carries on business in Ontario from another ministry, a public body or a prescribed administrative entity, including,

- (a) the person’s or entity’s legal name;
- (b) the name under which the person or entity carries on business, if it is not the legal name;
- (c) the person’s or entity’s contact information;
- (d) any identifying number, symbol or other identifier assigned to the person or entity in connection with another Act;
- (e) information about any licence, permit, certificate, registration or other approval or authorization issued to the person or entity and about the status of the licence, permit, certificate, registration, approval or authorization;
- (f) information about the person’s or entity’s compliance with any obligations relating to the licence, permit, certificate, registration, approval or authorization;
- (g) information about complaints made to the ministry or public body about the person or entity;
- (h) information compiled in connection with an examination, test, audit, inspection, investigation or other inquiry carried out under an Act with respect to the person’s or entity’s business, including information respecting forms, notes or reports generated by the examination, test, audit, inspection, investigation or inquiry;
- (i) information related to the person’s or entity’s compliance with other Acts, including information about orders, notices, penalties or convictions related to the person or entity; and
- (j) such other information as may be prescribed.

**Disclosure to the Minister**

(2) A ministry, public body or prescribed administrative entity is permitted to disclose the requested information to the Minister, despite any other Act.

**Exception, personal information**

(3) Information disclosed under subsection (2) shall not include personal information as defined in the *Freedom of Information and Protection of Privacy Act* or personal health information as defined in the *Personal Health Information Protection Act, 2004*.

**Use of the information**

(4) The Minister may use the information received from a ministry, public body or prescribed administrative entity for the purpose of administering and enforcing tax laws, including verifying or updating the Ministry’s records about persons and entities.

**Same, analyses**

(5) The Minister may use the information received from a ministry, public body or prescribed administrative entity, in combination with information collected by the Minister under any Act that he or she administers, in order to conduct policy, statistical and risk analyses in connection with the administration and enforcement of tax laws.

**Disclosure by Minister**

(6) For the purpose of assisting a ministry, public body or prescribed administrative entity with the administration of statutes under which the ministry, public body or prescribed administrative entity has powers or duties, the Minister may disclose the results of statistical and risk analyses conducted under subsection (5) using information about a person or entity to a ministry,



public body or prescribed administrative entity that has disclosed information to the Minister under this section respecting the person or entity.

### **Confidentiality**

(7) The Minister shall maintain information collected under this section in confidence in accordance with the confidentiality requirements to which it was subject when it was originally collected.

### **Definitions**

(8) For the purposes of this section,

“business” includes a profession, trade, manufacture or undertaking of any kind whatever, engaged in for profit, but does not include an office or employment.

### **Publication of information**

**11.6** (1) The Minister may publish or otherwise make available to the general public the name of any person, including an individual, convicted of an offence under the following statutes, a description of the offence, the date of the conviction and the person’s sentence:

1. Part II of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*.
2. The *Corporations Tax Act*.
3. The *Employer Health Tax Act*.
4. The *Estate Administration Tax Act, 1998*.
5. The *Fuel Tax Act*.
6. The *Gasoline Tax Act*.
7. The *Land Transfer Tax Act*.
8. The *Mining Tax Act*.
9. The *Race Tracks Tax Act*.
10. The *Retail Sales Tax Act*.

### **FIPPA**

(2) The disclosure of any personal information under subsection (1) is deemed to comply with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*.

### **3 Section 13 of the Act is amended by adding the following clause,**

(h.1) prescribing administrative entities for the purposes of section 11.5;

### **Commencement**

**4 (1) Subject to subsection (2), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) Subsection 1 (2) comes into force on the later of the day section 2 of the *Delegated Administrative Authorities Act, 2012* comes into force and the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 27**  
**MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006**

**1 (1) Section 1 of the *Mortgage Brokerages, Lenders and Administrators Act, 2006* is amended by adding the following definitions:**

“Authority” means the Financial Services Regulatory Authority of Ontario established under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Office”)

“Authority rule” means a rule made under subsection 55 (1); (“règle de l’Office”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

**(2) The definition of “prescribed” in section 1 of the Act is repealed and the following substituted:**

“prescribed” means,

- (a) prescribed by the regulations; or
- (b) subject to subsection 55 (9), in respect of matters listed in subsection 55 (1), prescribed by the Authority rules; (“prescrit”)

**(3) The definition of “requirement established under this Act” in section 1 of the Act is amended by adding “or an Authority rule” after “regulation”.**

**2 Subsection 7 (6) of the Act is amended by striking out “in accordance with the regulations” and substituting “in accordance with the prescribed requirements”.**

**3 Subsection 28 (2) of the Act is amended by striking out “the regulations” at the end and substituting “the prescribed requirements”.**

**4 Section 55 of the Act is repealed and the following substituted:**

**Authority rules**

**55 (1) The Authority may make rules in respect of the following matters:**

1. Governing the issuance, amendment, renewal, suspension, revocation and surrender of licences.
2. Governing the public register or registers of licensees and former licensees.
3. Governing the provision of information and documents to the Superintendent by licensees.
4. Governing proposals that are referred to in sections 21, 35 and 39 with respect to licenses.
5. Prescribing and governing how information and documents are to be given to the Superintendent under this Act, including prescribing rules governing deemed receipt of such documents.
6. Providing for transitional matters relating to the requirements to be satisfied for issuance of licences.
7. Prescribing powers, duties and requirements for the purposes of subsection 7 (6).
8. Prescribing, for the purposes of subsection 7 (7), the criteria that an individual must satisfy to be eligible to be a designated principal broker.
9. Prescribing, for the purposes of subsection 14 (1), the requirements that an applicant must satisfy to be issued a licence and the circumstances that regard must be had to in determining whether an applicant is suitable to be licenced.
10. Prescribing the period within which an application must be made under subsection 16 (3).
11. Prescribing, for the purposes of subsection 16 (4), the requirements that an applicant must satisfy for a licence renewal and the circumstances that regard must be had to in determining whether an applicant is suitable to be licenced.
12. Prescribing, for the purposes of clause 18 (1) (d), circumstances in which a licence may be suspended.
13. Prescribing, for the purposes of subsection 18 (5), the period within which a person or entity must be given the notice required by subsection 21 (2).
14. Prescribing, for the purposes of subsection 20 (3), the criteria that regard must be had to in determining whether the surrender of a licence is not in the public interest.
15. Prescribing, for the purposes of clause 22 (1) (c), circumstances in which a licence may be revoked, refused to be issued or refused to be renewed.
16. Prescribing, for the purposes of subsection 28 (1), the information about licensees and former licensees to be contained in a public register of licensees.

17. Governing how the information in a public register of licensees shall be made available for inspection under subsection 28 (2).
18. Prescribing, for the purposes of subsection 29 (1), the information and documents that licensees must give, the manner in which the documents are to be provided and the period within which they are to be provided.
19. Prescribing, for the purposes of subsection 35 (9), the period within which notice must be given of a proposal to make a permanent order.

### **Regulations**

- (2) The Lieutenant Governor in Council may make regulations,
  - (a) subject to section 56, prescribing anything that is required or permitted to be prescribed or that is required or permitted to be done in accordance with the regulations or as provided in the regulations;
  - (b) respecting any matter in respect of which the Authority may make rules, with necessary modifications;
  - (c) prescribing activities that are included in or excluded from each of the regulated activities set out in subsections 2 (1), 3 (1), 4 (1) and 5 (1);
  - (d) establishing classes of licences and governing the requirements, including standards of practice, applicable to each class of licence;
  - (e) governing the administrative penalties that may be imposed under section 39 or 40;
  - (f) prescribing and governing how information and documents are to be given or served under this Act, including prescribing rules governing deemed receipt of documents.

### **Subdelegation to Chief Executive Officer**

- (3) A regulation made under subsection (2) may authorize the Chief Executive Officer to establish all or some of the education and experience requirements respecting the issuance or renewal of mortgage brokers' or agents' licences or to establish all or some of the education and experience criteria respecting the designation of a principal broker.

### **Classes of persons and entities**

- (4) A regulation may create different classes of persons and entities and may establish different entitlements for, or relating to, each class or impose different requirements, conditions or restrictions on, or relating to, each class.

### **Exemptions, etc.**

- (5) A regulation may exempt a person or entity or class of persons or entities from a specified requirement imposed by this Act or a regulation or Authority rule in such circumstances as may be prescribed or provide that a specified provision of this Act or a regulation or Authority rule does not apply to the person, entity or class in such circumstances as may be prescribed.

### **Administrative penalties**

- (6) Without limiting the generality of clause (2) (e), a regulation governing administrative penalties may,
  - (a) prescribe requirements established under this Act for which an administrative penalty may not be imposed;
  - (b) prescribe criteria that is required or permitted to be considered when imposing a penalty under section 39 or 40;
  - (c) authorize the Superintendent to determine the amount of a penalty, if the amount of the penalty is not prescribed, and prescribe criteria that is required or permitted to be considered when determining the amount of the penalty;
  - (d) establish different penalties or ranges of penalties for different types of contraventions or failures to comply and of different classes of licensees and different classes of persons and entities;
  - (e) authorize a penalty to be imposed for each day or part of a day on which a contravention or failure to comply continues;
  - (f) authorize higher penalties for a second or subsequent contravention or failure to comply by a person or entity;
  - (g) require that the penalty be paid before a specified deadline or before a deadline specified by the Superintendent;
  - (h) authorize the imposition of late payment fees respecting penalties that are not paid before the deadline, including graduated late payment fees;
  - (i) establish a maximum cumulative penalty payable in respect of a contravention or failure to comply or in respect of contraventions or failures to comply during a specified period.

### **Legislation Act, 2006**

- (7) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Authority rules.

**Same**

(8) A regulation made under subsection (2) is subject to Part III (Regulations) of the *Legislation Act, 2006*.

**Regulation prevails**

(9) If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and an Authority rule, the regulation prevails but in all other respects an Authority rule has the same force and effect as a regulation.

**5 The Act is amended by adding the following section:****Regulations re transfer Superintendent powers, duties and functions**

**55.1** (1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) deeming references in this Act or the regulations to the Superintendent to be references to the Authority or the Chief Executive Officer;
- (c) governing transitional matters that may arise due to the transfers described in clause (a) or the deeming of references described in clause (b).

**Same**

(2) A regulation made under subsection (1) is subject to such conditions, limitations and restrictions as may be prescribed.

**Conflicts**

(3) If there is a conflict between a regulation made under subsection (1) and any Act or any other regulation, the regulation made under subsection (1) prevails, unless the Act or other regulation specifies that it prevails.

**Commencement**

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

**SCHEDULE 28  
MUNICIPAL ACT, 2001**

**1 (1) Paragraph 3 of subsection 329 (1) of the *Municipal Act, 2001* is amended by striking out “municipal purposes” at the end and substituting “municipal and school purposes”.**

**(2) Clause 329 (3) (a) of the Act is amended by striking out “municipal purposes” at the end and substituting “municipal and school purposes”.**

**2 (1) Paragraph 5 of subsection 364 (2) of the Act is amended by striking out “such later date” and substituting “such other date”.**

**(2) Paragraph 6 of subsection 364 (2) of the Act is repealed and the following substituted:**

6. Subject to paragraph 7, an owner or a person on behalf of the owner shall submit one application for a taxation year unless the Minister of Finance prescribes that more than one application may be submitted.

7. An interim application for the first six months of the taxation year may be made to a local municipality unless the Minister of Finance has made a regulation exempting the local municipality from this paragraph.

**(3) Section 364 of the Act is amended by adding the following subsections:**

**Additional requirements**

(2.1) Prescribed local municipalities may impose additional requirements for the tax rebate program within the local municipality, subject to any prescribed restrictions or conditions.

**Alternate requirements**

(2.2) Despite subsection (2), and subject to any prescribed restrictions or conditions, prescribed local municipalities may impose alternate requirements for the tax rebate program within the local municipality, including imposing alternate requirements for a property or a portion of a property to be eligible property.

**(4) Subsection 364 (6) of the Act is amended by striking out “shall at all reasonable times and upon reasonable request be given free access to all property referred to in the application made under this section” at the end and substituting “shall, within the time, if any, prescribed by the Minister of Finance, be given free access at all reasonable times and on reasonable request to all property referred to in the application made under this section”.**

**(5) Subsection 364 (8) of the Act is amended by striking out “within such reasonable time as is set out in the letter” at the end and substituting “within such time as may be prescribed by the Minister of Finance or, if no time is prescribed, within such reasonable time as is set out in the letter”.**

**(6) Subsection 364 (9) of the Act is amended by striking out “within the time set out in the letter” and substituting “within the applicable time under that subsection”.**

**(7) Subsection 364 (11) of the Act is amended by adding “unless otherwise prescribed by the Minister of Finance” at the end.**

**(8) Subsection 364 (12) of the Act is amended by adding the following clauses:**

(a.0.0.1) prescribing circumstances under which no rebate is payable in respect of a property that would otherwise be eligible property;

. . . . .

(d.1) exempting a local municipality from paragraph 7 of subsection (2);

(d.2) prescribing local municipalities for the purpose of subsections (2.1) and (2.2) and prescribing restrictions or conditions for the purpose of those subsections;

**(9) Clause 364 (12) (f) of the Act is repealed and the following substituted:**

(f) prescribing a date for the purposes of subsections (2) and (15);

(g) prescribing times for the purposes of subsections (6) and (8);

(h) prescribing how the amount of a tax rebate with respect to a property shall be shared by the municipalities and the school boards that share in the revenue from the taxes on the property, including prescribing that the amount of a tax rebate shall not be shared by the municipalities and the school boards;

(i) prescribing a timeline or a date for the purposes of subsection (20).

**(10) Subsection 364 (20) of the Act is repealed and the following substituted:**

**Interest**

(20) The municipality shall pay interest, at the same rate of interest that applies under subsection 257.11 (4) of the *Education Act*, on the amount of any rebate to which the applicant is entitled under this section if the municipality fails to rebate or credit such amount,

- (a) within 120 days after receiving the application or interim application; or
- (b) within such other timeline or by such other date as may be prescribed by the Minister of Finance.

**(11) Section 364 of the Act is amended by adding the following subsection:**

**Retroactive**

(26) A regulation under this section is, if it so provides, effective with reference to a period before it is filed, which period may begin before the year in which the regulation is made.

**Commencement**

**3 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures)*, 2017 receives Royal Assent.**

**SCHEDULE 29**  
**MUNICIPAL PROPERTY ASSESSMENT CORPORATION ACT, 1997**

**1 Section 1 of the *Municipal Property Assessment Corporation Act, 1997* is amended by adding the following definition:**

“Corporation” means the Municipal Property Assessment Corporation; (“Société”)

**2 Subsection 10 (1) of the Act is amended by striking out “publish them in *The Ontario Gazette*” at the end and substituting “publish and maintain them on a website of the Government of Ontario”.**

**3 The Act is amended by adding the following section:**

**Directives**

**10.1** (1) The Minister may issue directives in writing to the Corporation on matters relating to,

- (a) corporate governance; and
- (b) activities described in subsection 9 (2).

**General or specific**

(2) A directive may be general or specific.

**Implementation**

(3) The board of directors of the Corporation shall ensure that the directives issued to it are implemented promptly and efficiently.

**Publication**

(4) The Minister shall publish and maintain each directive on a website of the Government of Ontario.

**Application of rules re failure to comply, etc.**

(5) Subsections 10 (3) to (7) apply, with necessary modifications, to directives issued under this section.

**4 Section 11 of the Act is amended by adding the following subsection:**

**Same, ongoing activities**

(1.1) The Corporation shall enter into one or more memoranda of understanding with the Minister concerning the Corporation’s ongoing activities.

**Commencement**

**5 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 30  
OCCUPATIONAL HEALTH AND SAFETY ACT**

**1 (1) Subsection 25 (2) of the *Occupational Health and Safety Act* is amended by striking out “and” at the end of clause (l), by adding “and” to the end of clause (m) and by adding the following clause:**

- (n) notify a Director if a committee or a health and safety representative, if any, has identified potential structural inadequacies of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, as a source of danger or hazard to workers.

**(2) Section 25 of the Act is amended by adding the following subsection:**

**Same**

- (5) Clause (2) (n) does not apply to an employer that owns the workplace.

**2 (1) Section 53 of the Act is amended by striking out “project site, mine or mining plant, the constructor of the project or the owner of the mine or mining plant” and by substituting “project site, mine, mining plant or other prescribed location, the person determined under subsection (2)”.**

**(2) Section 53 of the Act is amended by adding the following subsection:**

**Person required to notify**

- (2) The person required to give notice under subsection (1) is,
  - (a) if the incident takes place at a project site, the constructor of the project;
  - (b) if the incident occurs at a mine or a mining plant, the employer of a worker who works in the mine or plant; or
  - (c) if the incident occurs at a prescribed location, the person prescribed for that location.

**3 The Act is amended by adding the following section:**

**Additional notices**

**53.1** In addition to the notice requirements set out in sections 51, 52 and 53, the regulations may specify additional notice requirements that must be met in the circumstances described in those sections, including specifying who is required to provide the notice, the timeframe in which it shall be provided and the information and particulars it must contain.

**4 (1) Subsection 66 (1) of the Act is amended by striking out “\$25,000” in the portion after clause (c) and substituting “\$100,000”.**

**(2) Subsection 66 (2) of the Act is amended by striking out “\$500,000” and substituting “\$1,500,000”.**

**5 Section 69 of the Act is repealed and the following substituted:**

**Limitation on prosecutions**

**69** No prosecution under this Act or the regulations shall be instituted more than one year after the later of,

- (a) the occurrence of the last act or default upon which the prosecution is based; or
- (b) the day upon which an inspector becomes aware of the alleged offence.

**Commencement**

**6** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.



**SCHEDULE 31**  
**ONTARIO ENERGY BOARD ACT, 1998**

**1 Subsection 70 (6.1) of the *Ontario Energy Board Act, 1998* is amended by adding “or subsection 88 (2.1)” after “clause 88 (1) (g.1)”.**

**2 (1) Section 88 of the Act is amended by adding the following subsection:**

**Net metering, single generator**

(1.1) The Lieutenant Governor in Council may make regulations,

- (a) requiring a distributor mentioned in clause (1) (g.1) to apply any credit resulting from the application of a regulation made under that clause in accordance with such methods or criteria as may be prescribed;
- (b) prescribing the methods or criteria mentioned in clause (a), which may include limiting or prohibiting the application or recognition of any credit in a manner which results in the reduction of fixed charges on an invoice.

**(2) Section 88 of the Act is amended by adding the following subsections:**

**Net metering, other arrangements**

(2.1) The Lieutenant Governor in Council may make regulations,

- (a) requiring a distributor, in prescribed circumstances and in the prescribed manner, to subtract the amount of electricity conveyed into the distribution system by a generator from the amount consumed from the system by a consumer, for billing purposes, if the generator and the consumer have entered into an agreement that meets the prescribed criteria;
- (b) authorizing distributors and other persons to implement, in prescribed circumstances and in the prescribed manner, prescribed pilot or demonstration projects for the purpose of subtracting some or all of the electricity conveyed into a distribution system by one or more generators within one or more distributors’ service areas from the amount consumed from a distribution system by one or more consumers, for billing purposes, where the distributor, generator and other person, if any, and consumers to be billed as part of the project have entered into an agreement that meets prescribed criteria;
- (c) governing agreements mentioned in clauses (a) and (b);
- (d) requiring distributors to apply any credit to consumers resulting from a regulation made under clause (a) or (b) in accordance with such methods or criteria as may be prescribed;
- (e) prescribing the methods or criteria mentioned in clause (d), which may include limiting or prohibiting the application or recognition of any credit in a manner which results in the reduction of fixed charges on a consumer’s invoice.

**Agreements**

(2.2) For the purposes of clause (2.1) (a), a consumer may enter into agreements with more than one generator in respect of one or more generation facilities.

**Commencement**

**3 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 32**  
**ONTARIO LABOUR MOBILITY ACT, 2009**

**1 (1) The definition of “Agreement on Internal Trade” in subsection 2 (1) of the *Ontario Labour Mobility Act, 2009*, is repealed.**

**(2) Subsection 2 (1) of the Act is amended by adding the following definition:**

“Canadian Free Trade Agreement” means the Canadian Free Trade Agreement, effective July 1, 2017, between the governments of Canada, the provinces of Canada and the territories of Canada, as amended from time to time; (“Accord de libre-échange canadien”)

**(3) The definition of “co-ordinating Minister” in subsection 2 (1) of the Act is amended by striking out “Minister of Training, Colleges and Universities” and substituting “Minister of Advanced Education and Skills Development”.**

**2 The following provisions of the Act are amended by striking out “Agreement on Internal Trade” wherever it appears and substituting in each case “Canadian Free Trade Agreement”:**

- 1. Clause 1 (b).**
- 2. The definition of “out-of-province regulatory authority” in subsection 2 (1).**
- 3. Subsections 8 (1) and (2).**
- 4. Clause 12 (1) (b).**
- 5. Paragraphs 4 and 5 of subsection 16 (1).**
- 6. The heading before section 21.**
- 7. Subsection 21 (1).**

**3 (1) Clause 9 (3) (a) of the Act is amended by striking out “Ministry of Training, Colleges and Universities” and substituting “Ministry of Advanced Education and Skills Development”.**

**(2) Clause 9 (3) (b) of the Act is amended by striking out “Article 708 of the Agreement on Internal Trade” and substituting “Article 707 of the Canadian Free Trade Agreement”.**

**Commencement**

**4 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

### SCHEDULE 33 PENSION BENEFITS ACT

**1 (1) Subsection 1 (1) of the *Pension Benefits Act* is amended by adding the following definitions:**

“Authority” means the Financial Services Regulatory Authority of Ontario established under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Office”)

“Authority rule” means a rule made under section 115.1; (“règle de l’Office”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

**(2) The definition of “prescribed” in subsection 1 (1) of the Act is repealed and the following substituted:**

“prescribed” means,

- (a) prescribed by the regulations, or
- (b) subject to section 115.2, in respect of matters listed in subsection 115.1 (1), prescribed by the Authority rules; (“prescrit”)

**(3) Subsection 1 (1) of the Act is amended by adding the following definition:**

“provision for adverse deviations” means, with respect to a pension plan, the provision for adverse deviations as determined in accordance with the regulations; (“provision pour écarts défavorables”)

**(4) Subsection 1 (1) of the Act is amended by adding the following definition:**

“reduced solvency deficiency” means, with respect to a pension plan, a reduced solvency deficiency as determined in accordance with the prescribed requirements; (“déficit de solvabilité réduit”)

**(5) The definition of “target benefit” in subsection 1 (1) of the Act is amended by adding “or ancillary benefit” after “a pension benefit”.**

**(6) Paragraph 3 of subsection 1 (2) of the Act is amended by striking out “solvency deficiency” and substituting “reduced solvency deficiency”.**

**(7) Subsection 1 (2.1) of the Act is amended by striking out “solvency deficiency” and substituting “reduced solvency deficiency”.**

**2 (1) Paragraph 12 of subsection 10 (1) of the Act is amended by striking out “this Act and the regulations” at the end and substituting “this Act, the regulations and the Authority rules”.**

**(2) Paragraph 1 of subsection 10 (3) of the Act is amended by striking out “solvency deficiency” at the end and substituting “reduced solvency deficiency”.**

**(3) Paragraph 2 of subsection 10 (3) of the Act is amended by striking out “solvency deficiency” at the end and substituting “reduced solvency deficiency”.**

**(4) Section 10 of the Act is amended by adding the following subsections:**

**Funding and governance policies**

(5) The documents that create and support a pension plan shall include the funding policy of the pension plan and the governance policy of the pension plan.

**Same, existing pension plans**

(6) The administrator of a pension plan that applied for registration before the day subsection 2 (4) of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force shall, within the prescribed time, file with the Superintendent a funding policy of the pension plan and a governance policy of the pension plan.

**Same, requirements**

(7) A funding policy of a pension plan and a governance policy of a pension plan must satisfy such requirements and contain such information as may be prescribed, and must be reviewed in accordance with the regulations.

**Collective agreements**

(8) For greater certainty, the documents that create and support a pension plan include a collective agreement if,

- (a) the plan is established pursuant to the collective agreement;
- (b) the collective agreement incorporates the plan by reference in whole or in part; or
- (c) terms of the plan are set out in whole or in part in the collective agreement.

**3 (1) Subsection 14.0.1 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Improvement in benefits**

(1) An amendment relating to defined benefits is void,

**(2) Clause 14.0.1 (1) (b) of the Act is repealed and the following substituted:**

(b) if, after the increase, the solvency ratio or the going concern funded ratio of the pension plan, determined in accordance with the regulations, would be below the prescribed level.

**(3) Section 14.0.1 of the Act is amended by adding the following subsection:**

**Target benefits**

(1.1) An amendment relating to target benefits is void,

(a) if the amendment purports to increase an amount described in clause 14 (1) (a), (b) or (c); and

(b) if the prescribed circumstances apply.

**(4) Subsection 14.0.1 (2) of the Act is amended by striking out “Subsection (1) does not apply” at the beginning and substituting “Subsections (1) and (1.1) do not apply”.**

**4 Clause 18 (1) (c) of the Act is amended by striking out “this Act and the regulations” at the end and substituting “this Act, the regulations and the Authority rules”.**

**5 Subsection 19 (1) of the Act is amended by striking out “this Act and the regulations” at the end and substituting “this Act, the regulations and the Authority rules”.**

**6 (1) Subsection 20 (1) of the Act is amended by adding “within the prescribed period and” after “the pension plan”.**

**(2) Subsection 20 (2) of the Act is amended by striking out “the times and containing the information prescribed by the regulations” at the end and substituting “the prescribed times and containing the prescribed information”.**

**7 Section 23 of the Act is amended by striking out “this Act or the regulations” at the end and substituting “this Act, the regulations or the Authority rules”.**

**8 Clause 25 (1) (c) of the Act is repealed and the following substituted:**

(c) any other prescribed information.

**9 (1) Subsection 26 (4) of the Act is repealed and the following substituted:**

**Order dispensing with notice**

(4) The Superintendent need not require the transmittal of notices under subsection (1), or by order may dispense with the notice required by subsection (3), or both, in any of the following circumstances:

1. The Superintendent is of the opinion that the amendment is of a technical nature or will not substantially affect the pension benefits, rights or obligations of a member or former member or will not adversely affect any person entitled to payments from the pension fund.
2. Except in the case of an amendment relating to target benefits, the amendment has been agreed to by a trade union that represents the members.
3. Except in the case of an amendment relating to target benefits, the amendment is in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

**(2) Section 26 of the Act is amended by adding the following subsections:**

**Same**

(8) Subsection (1) does not apply with respect to an amendment that relates to a conversion under section 81.0.2 of benefits provided by a multi-employer pension plan.

**Target benefits**

(9) The regulations may prescribe different notice requirements than as provided for in this section with respect to a pension plan that provides target benefits.

**(3) Section 26 of the Act, as re-enacted by subsection 15 (1) of the *Pension Benefits Amendment Act, 2010*, is amended by adding the following subsections:**

### **Same**

(8) Subsection (1) does not apply with respect to an amendment that relates to a conversion under section 81.0.2 of benefits provided by a multi-employer pension plan.

### **Target benefits**

(9) The regulations may prescribe different notice requirements than as provided for in this section with respect to a pension plan that provides target benefits.

### **10 Subsections 27 (1) and (2) of the Act are repealed and the following substituted:**

#### **Annual statement of pension benefits**

(1) The administrator of a pension plan shall give to each member annually, within the prescribed period, a written statement containing the prescribed information about the pension plan, the member's pension benefits and any ancillary benefits.

#### **Other statements to former members, retired members**

(2) The administrator of a pension plan shall give to each former member and retired member, within the prescribed period, a written statement containing the prescribed information about the pension plan or about the member's pension benefits and any ancillary benefits.

### **11 Subsection 28 (1) of the Act is repealed and the following substituted:**

#### **Statement of benefits**

(1) The administrator of a pension plan shall give to each member who terminates employment with the employer or otherwise ceases to be a member, or to any other person who as a result becomes entitled to a payment under the pension plan, within the prescribed period, a written statement containing the prescribed information about the benefits, rights and obligations of the member or person.

### **12 The Act is amended by adding the following section before the heading "Membership":**

#### **Registry of missing beneficiaries**

**30.2** (1) The Superintendent shall, in accordance with any prescribed requirements, establish, maintain and operate an electronic registry relating to beneficiaries who are missing.

#### **Interpretation**

(2) A reference to a beneficiary in this section is a reference to a beneficiary of a pension plan.

#### **Purposes**

(3) The purposes of the registry are as follows:

1. To help beneficiaries locate benefits or payments they are owed under pension plans.
2. Such other purposes as may be prescribed.

#### **Organization, form**

(4) The registry shall be organized in the manner and kept in the form that the Superintendent may determine.

#### **Duty to notify the Superintendent**

(5) If an administrator of a pension plan cannot locate a beneficiary, the administrator shall, within a reasonable time, notify the Superintendent in the form approved by the Superintendent, and the notice must include such information as may be specified by the Superintendent, including personal information.

#### **Posting information on registry**

(6) If, after receiving a notice under subsection (5), the Superintendent is satisfied that there are reasonable and probable grounds to believe that a beneficiary is missing, the Superintendent shall record the following information in the registry:

1. The beneficiary's name.
2. The name and last known address of the employer identified by the plan administrator in connection with the beneficiary.
3. The name and registration number of the pension plan.
4. The name and contact information of the plan administrator.
5. Any other information as may be prescribed.

#### **Request**

(7) A person may make a request to the Superintendent, in the form and manner approved by the Superintendent, in order to determine,

- (a) whether the person making the request is a beneficiary recorded in the registry; or
- (b) if the person making the request is authorized to act on behalf of another person, whether the other person is a beneficiary recorded in the registry.

#### **Disclosure**

(8) If the Superintendent receives a request from a person under subsection (7) and the person has provided proof satisfactory to the Superintendent that they are a beneficiary recorded in the registry or that they are authorized to act on behalf of a person who is a beneficiary recorded in the registry, the Superintendent shall give that person the information in the registry referred to in paragraphs 2 to 5 of subsection (6) that relates to the beneficiary.

#### **Removal from registry**

(9) If the administrator of a pension plan has located a beneficiary who was missing, the administrator shall, as soon as reasonably possible, notify the Superintendent, and the Superintendent shall remove all information relating to the beneficiary from the registry.

#### **No notice to individual**

(10) Any collection by the Superintendent of personal information under this section is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*.

#### **Deemed consistent purpose**

(11) For the purposes of the *Freedom of Information and Protection of Privacy Act*, personal information in the custody or control of the Superintendent that has been collected otherwise than in accordance with this section may be used by the Superintendent for the purposes described in subsection (3), and that use shall be deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled.

#### **13 Section 39 of the Act is amended by adding the following subsection:**

##### **Reduction re target benefits**

(4.3) Subsections (3) and (4) do not apply with respect to a pension or a deferred pension if the benefits to which the pension or deferred pension relates are target benefits.

#### **14 (1) Paragraph 1 of subsection 39.1 (2.2) of the Act is repealed and the following substituted:**

1. For a written waiver in the form approved by the Superintendent, the form is dated, signed and delivered to the administrator within the prescribed period before the date the variable benefit account is established.

(2) Subsection 39.1 (4) of the Act is amended by striking out “a retired member receiving variable benefits” in the portion before clause (a) and substituting “a retired member or specified beneficiary receiving variable benefits”.

(3) Subsection 39.1 (7) of the Act is amended by adding “or specified beneficiary” after “retired member”.

(4) Subsection 39.1 (14) of the Act is amended by adding “or specified beneficiary” after “retired member”.

#### **15 Section 39.1.1 of the Act is amended by adding the following subsection:**

##### **Statement to spouse who is specified beneficiary**

(10.1) If a specified beneficiary elects under subsection (9) to continue receiving the variable benefits, the administrator shall give to the specified beneficiary, within the prescribed period, a written statement containing the prescribed information about the pension plan or about the retired member’s variable benefit account.

#### **16 The Act is amended by adding the following section:**

##### **Death of specified beneficiary**

**39.1.2** (1) A specified beneficiary who elects under subsection 39.1.1 (9) to continue receiving the retired member’s variable benefits may designate a beneficiary.

##### **Death benefit**

(2) A beneficiary designated under subsection (1) is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment on the death of the specified beneficiary.

##### **Estate entitlement**

(3) The personal representative of the specified beneficiary is entitled to receive the balance remaining in the retired member’s variable benefit account in a lump sum payment on the death of the specified beneficiary unless the specified beneficiary has designated a beneficiary who has an entitlement under this section.

##### **Definition**

(4) In this section,

“personal representative” has the same meaning as in the *Estates Administration Act*.

**17 The Act is amended by adding the following section:**

**Target benefits**

**39.2** (1) A benefit provided by a pension plan is a target benefit if all of the following criteria are satisfied:

1. The pension plan is a multi-employer pension plan.
2. The benefit is not a defined contribution benefit.
3. The documents that create and support the pension plan identify the benefit as a target benefit.
4. If the pension plan was not initially registered as providing target benefits, the benefit, if accrued, was converted to a target benefit in accordance with section 81.0.2.
5. The obligation of participating employers to contribute to the pension fund in respect of the benefit is limited to a fixed amount set out in one or more collective agreements.
6. The administrator is authorized under the pension plan to reduce the benefit, both while the plan is ongoing and upon wind up.
7. The reduction referred to in paragraph 6 is not prohibited by the terms of any applicable collective agreement.
8. The reduction referred to in paragraph 6 is not prohibited by any applicable pension legislation of a designated jurisdiction, except as provided by the regulations.
9. The benefit satisfies such other criteria as may be prescribed.
10. The pension plan satisfies such other criteria as may be prescribed.

**Same**

(2) Despite subsections (1) and (3), a benefit provided by a pension plan is not a target benefit if the administrator’s authority to reduce the benefit is restricted in a manner or to an extent that is prohibited by regulation for target benefits.

**Same**

(3) Except as otherwise prescribed by regulation and despite subsection (1), a pension plan shall not provide both target benefits and defined benefits.

**Reduction of target benefits**

(4) The regulations may specify circumstances in which a target benefit must be reduced and the regulations may provide rules relating to how the target benefit is reduced.

**18 Subsection 42 (11) of the Act is amended by striking out “this Act and the regulations” at the end and substituting “this Act, the regulations and the Authority rules”.**

**19 The French version of subsection 43 (1) of the Act is repealed and the following substituted:**

**Acquisition d’une pension auprès d’une compagnie d’assurance**

(1) L’administrateur d’un régime de retraite qui est tenu, aux termes du régime de retraite, d’offrir une pension, une pension différée ou une prestation accessoire peut en faire l’acquisition auprès d’une compagnie d’assurance.

**20 The Act is amended by adding the following section:**

**Purchase of pension, single employer pension plan**

**Interpretation**

**43.1** (1) Despite subsection 1.1 (1), a reference to a retired member in this section does not include an individual who has not yet elected to receive a pension even though the individual is entitled to begin to receive a pension from the pension fund by virtue of having reached the normal retirement date under the pension plan.

**Purchase of pension, single employer pension plan**

(2) The administrator of a single employer pension plan that provides defined benefits who is required by the pension plan to provide a pension, a deferred pension or an ancillary benefit to a former member or retired member may purchase the pension, deferred pension or ancillary benefit from an insurance company.

**Notice of purchase**

(3) The administrator shall give the former member or retired member notice of the purchase under subsection (2) in accordance with the prescribed requirements.

### **Requirements**

(4) The purchase under subsection (2) must meet the following requirements:

1. In the case of a purchase in respect of a former member, the deferred pension or ancillary benefit purchased from the insurance company must provide the same benefit as the benefit the former member would have received from the pension plan had the purchase not been made.
2. In the case of a purchase in respect of a retired member, the pension or ancillary benefit purchased from the insurance company must provide the retired member with payments in the same amount and form as the pension or ancillary benefit, as the case may be, that the retired member would have received from the pension plan had the purchase not been made.
3. If a spouse of a retired member is receiving a specified amount or a proportion of the pension instalment otherwise payable to the retired member in accordance with subsection 67.4 (1), the pension or ancillary benefit purchased from the insurance company must provide the retired member and the spouse with payments in the same amount and form as the payments they would have received from the pension plan had the purchase not been made.
4. The insurance company from which the purchase is made must be authorized to sell annuities.
5. The contract to purchase the pension, deferred pension or ancillary benefit must meet the prescribed requirements.
6. The purchase must meet any other requirements, conditions or limitations that may be prescribed, including requirements, conditions or limitations relating to funding.

### **Discharge of administrator**

(5) An administrator is discharged,

- (a) in the case of a former member in respect of whom the purchase of a deferred pension has been made and, if the former member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that the administrator has complied with this section in respect of the purchase or purchases, as the case may be; and
- (b) in the case of a retired member in respect of whom the purchase of a pension has been made and, if the retired member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that the administrator has complied with this section in respect of the purchase or purchases, as the case may be.

### **Same, purchases under s. 43**

(6) Subject to subsection (7), an administrator of a single employer pension plan that provides defined benefits who purchased a pension, deferred pension or ancillary benefit for a former member or retired member from an insurance company under section 43 before the day this section comes into force is discharged,

- (a) in the case of a former member in respect of whom the purchase of a deferred pension has been made and, if the former member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that,
  - (i) either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied, and
  - (ii) the administrator has complied with such other requirements as may be prescribed; and
- (b) in the case of a retired member in respect of whom the purchase of a pension has been made and, if the retired member is entitled to an ancillary benefit, the purchase of the ancillary benefit has also been made, on filing a certificate prepared and signed by an actuary certifying that,
  - (i) either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied, and
  - (ii) the administrator has complied with such other requirements as may be prescribed.

### **Notice re purchases under s. 43**

(7) Subsection (6) applies only if the administrator has given the former member or retired member notice, in accordance with the prescribed requirements, that it intends to file the certificate mentioned in that subsection in order to be discharged.

### **Effect of discharge**

(8) If an administrator is discharged under this section, the former member or retired member in respect of whom the purchase was made is no longer a former member or retired member under this Act for any purpose, subject to subsection (9).



### **Entitlement to surplus on plan wind up**

(9) If the pension plan has a surplus on wind up, a former member or retired member in respect of whom a purchase was made has the same rights with respect to payment of surplus under the pension plan as former members and retired members who, as of the date of the wind up, are entitled to payments under the pension plan. However, this only applies if the former member or retired member would have been entitled to payment of surplus under the pension plan if the pension plan had been wound up on the date of the purchase.

**21 Subsection 55 (4) of the Act is amended by striking out “solvency deficiency” and substituting “reduced solvency deficiency”.**

**22 (1) Subsection 55.1 (1) of the Act is amended by striking out “contributions for the normal cost of the pension plan if the pension plan has a surplus” and substituting “contributions for the normal cost of the pension plan and contributions for the provision for adverse deviations in respect of the normal cost of the pension plan if the pension plan has an available actuarial surplus”.**

**(2) Subsection 55.1 (2) of the Act is amended by striking out “a surplus” and substituting “an available actuarial surplus”.**

**(3) Section 55.1 of the Act is amended by adding the following subsection:**

#### **Same, jointly sponsored pension plan**

(2.1) Any contributions that members of a jointly sponsored pension plan are required to make for the provision for adverse deviations in respect of the normal cost of the pension plan may be reduced or suspended in the prescribed manner if the pension plan has a surplus and if such other requirements as may be prescribed are satisfied.

**(4) Section 55.1 of the Act is amended by adding the following subsection:**

#### **Interpretation, “available actuarial surplus”**

(5) In this section,

“available actuarial surplus” means the portion of the surplus that is determined in accordance with the regulations.

**23 (1) Subsection 55.2 (1) of the Act is amended by striking out “solvency deficiency” at the end and substituting “reduced solvency deficiency”.**

**(2) Subsection 55.2 (2) of the Act is amended by striking out “solvency deficiency” and substituting “reduced solvency deficiency”.**

**24 Subsection 67.2 (6) of the Act is amended by striking out “the regulations” in the portion before paragraph 1 and substituting “the prescribed requirements”.**

**25 Subsection 67.3 (2) of the Act is amended by striking out “the regulations” in the portion before paragraph 1 and substituting “the prescribed requirements”.**

**26 Subsection 67.4 (2) of the Act is amended by striking out “the regulations” and substituting “the prescribed requirements”.**

**27 Subsection 67.7 (4) of the Act is amended by striking out “the regulations” in the portion before paragraph 1 and substituting “the prescribed requirements”.**

**28 Subsection 67.8 (2) of the Act is amended by striking out “the regulations” in the portion before paragraph 1 and substituting “the prescribed requirements”.**

**29 Section 75 of the Act is amended by adding the following subsection:**

#### **Multi-employer pension plans**

(2.1) Clause (1) (b) does not apply in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

**30 (1) Clause 79 (1) (c) of the Act is repealed and the following substituted:**

- (c) where all pension benefits under the pension plan are guaranteed by an insurance company, an amount equal to at least the sum of two years of the normal cost of the pension plan and two years of the provision for adverse deviations in respect of the normal cost of the pension plan, determined in accordance with the regulations, is retained in the pension fund as surplus;

**(2) The definition of “A” in subclause 79 (1) (d) (i) of the Act is repealed and the following substituted:**

“A” is an amount equal to the sum of twice the normal cost of the pension plan and twice the provision for adverse deviations in respect of the normal cost of the pension plan, and

**31 (1) Paragraph 1 of subsection 80.4 (4) of the Act is amended by striking out “in respect of any going concern unfunded liability and solvency deficiency, if applicable” and substituting “in respect of any going concern unfunded liability, solvency deficiency or reduced solvency deficiency, as applicable”.**

**(2) Subsection 80.4 (17) of the Act is amended by striking out “in respect of a going concern unfunded liability or solvency deficiency” and substituting “in respect of a going concern unfunded liability, solvency deficiency or reduced solvency deficiency”.**

**32 (1) Paragraph 1 of subsection 81.0.1 (5) of the Act is amended by striking out “in respect of any going concern unfunded liability and solvency deficiency, if applicable” and substituting “in respect of any going concern unfunded liability, solvency deficiency or reduced solvency deficiency, as applicable”.**

**(2) Paragraph 7 of subsection 81.0.1 (14) of the Act is amended by striking out “going concern unfunded liability or solvency deficiency” and substituting “going concern unfunded liability, solvency deficiency or reduced solvency deficiency”.**

**33 The Act is amended by adding the following section:**

#### CONVERSION TO TARGET BENEFITS

##### **Conversion by amending the pension plan**

**81.0.2 (1)** This section applies if some or all of the benefits provided by a multi-employer pension plan are proposed to be converted to target benefits, and the proposal is to implement the conversion by amending the pension plan.

##### **Criteria**

**(2)** Benefits may only be proposed to be converted if all of the following criteria are satisfied:

1. The benefits proposed to be converted are not defined contribution benefits.
2. The obligation of participating employers to contribute to the pension fund in respect of the benefits proposed to be converted is limited to a fixed amount set out in one or more collective agreements.
3. The administrator is authorized under the pension plan to reduce the benefits proposed to be converted, both while the plan is ongoing and upon wind up.
4. The reduction referred to in paragraph 3 is not prohibited by the terms of any applicable collective agreement.
5. The reduction referred to in paragraph 3 is not prohibited by any applicable pension legislation of a designated jurisdiction, except as provided by the regulations.
6. The benefits proposed to be converted satisfy such other criteria as may be prescribed.
7. The pension plan satisfies such other criteria as may be prescribed.

##### **Restriction re: filing of amendments**

**(3)** Amendments to the pension plan to convert benefits to target benefits shall not be filed under section 12 until the requirements of this section are satisfied.

##### **Requirement re: proposed conversion**

**(4)** A proposal to convert defined benefits provided by a pension plan to target benefits must propose to convert all defined benefits provided by the plan that satisfy the criteria set out in subsection (2).

##### **Requirement if not all defined benefits qualify**

**(5)** If not all of the defined benefits that a pension plan provides satisfy the criteria set out in subsection (2), the defined benefits that satisfy the criteria shall not be converted under this section except in accordance with the prescribed requirements.

##### **Notice of proposed conversion**

**(6)** The administrator shall give notice of the proposed conversion to the members, former members, retired members and other persons entitled to benefits under the plan, in accordance with such requirements as may be prescribed and the notice must contain such information as may be prescribed.

##### **Same, for trade union**

**(7)** The administrator shall give notice of the proposed conversion to any trade union that represents members of the pension plan, and the notice must be given within the prescribed period and must contain the information specified by the regulations.

##### **Same, participating employers**

**(8)** The administrator shall give notice of the proposed conversion to participating employers, and the notice must be given within the prescribed period and must contain the information specified by the regulations.

### **Requirement re consultation with trade union**

(9) The administrator shall consult in good faith about the proposed conversion, in accordance with such requirements as may be prescribed, with any trade union that represents members of the pension plan.

### **Notice to Superintendent**

(10) The administrator shall give notice of the proposed conversion to the Superintendent and the notice must be given within the prescribed period and must contain the information specified by the regulations.

### **Requirement for Superintendent's consent**

(11) The proposed conversion is not authorized unless the Superintendent consents to it in advance.

### **Application for consent**

(12) The administrator may, in accordance with such requirements as may be prescribed, apply for the Superintendent's consent to the proposed conversion and the application must contain the information specified by the regulations.

### **Notice of application**

(13) The administrator shall ensure that notice of the application for the Superintendent's consent is given to members, former members, retired members and other persons entitled to benefits under the pension plan, to participating employers and to any trade union that represents members of the plan, in accordance with such requirements as may be prescribed.

### **Statutory criteria for Superintendent's consent**

(14) The Superintendent shall consent to the proposed conversion in accordance with the application if all of the following criteria, and such other criteria as may be prescribed, are satisfied:

1. Notice of the proposed conversion has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, to the participating employers and to any trade union that represents members of the plan and to the Superintendent.
2. Notice of the application for the Superintendent's consent has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the pension plan, to the participating employers and to any trade union that represents members of the plan.
3. The criteria set out in subsection (2) are satisfied.
4. The administrator has consulted with trade unions in accordance with subsection (9).
5. The effective date of the conversion has been determined in accordance with the regulations.

### **Cancellation, etc. of special payments**

(15) If, before the effective date of the conversion, the pension plan has a solvency deficiency or reduced solvency deficiency in respect of the benefits converted, the regulations may specify circumstances in which any requirement to make special payments on or after the effective date of the conversion in respect of that solvency deficiency or reduced solvency deficiency is cancelled or the amount of the special payments is reduced, and the regulations may impose conditions relating to the cancellation or reduction.

### **Conflict**

(16) This section prevails over any document that creates and supports the pension plan and over any collective agreement and it prevails despite any trust that may exist in favour of any person.

### **Crown immunity**

(17) No cause of action arises against the Crown, or any of the Crown's ministers, agents, appointees and employees, as a direct or indirect result of,

- (a) the enactment of this section; or
- (b) the making of any regulations under this section.

### **Same**

(18) Without limiting the generality of subsection (17), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including compensation or damages for a reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension, or any other remedy or relief.

### **Proceedings barred**

(19) No proceeding, including but not limited to any proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise, that is directly or indirectly based on or related to anything referred to in clause (17) (a) or (b) may be brought or maintained against the Crown or any of the Crown's ministers, agents, appointees and employees.

### **Not an expropriation**

(20) Any reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension that results from the conversion is deemed not to constitute an expropriation.

### **34 Paragraphs 2 and 3 of subsection 84 (1) of the Act are repealed and the following substituted:**

2. Any deferred pension in respect of employment in Ontario to which a former member is entitled, if,
  - i. the former member's employment or membership was terminated before January 1, 1988,
  - ii. the date of the wind up of the pension plan is before the day section 34 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, and
  - iii. the former member was at least 45 years of age and had at least 10 years of continuous employment with the employer, or was a member of the pension plan for a continuous period of at least 10 years, at the date of termination of employment.
- 2.1 If a former member's employment or membership was terminated before January 1, 1988 and if the date of the wind up of the pension plan is on or after the day section 34 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, a deferred pension in respect of employment in Ontario to which the former member is entitled.
3. If a member or former member's employment or membership was terminated on or after January 1, 1988 and if the date of the wind up of the pension plan is before the day section 34 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, a percentage of any defined pension benefits in respect of employment in Ontario to which the member or former member is entitled under section 36 or 37 (deferred pension), or both, equal to 20 per cent if the combination of his or her age plus years of employment or membership in the pension plan equals fifty, plus an additional  $\frac{2}{3}$  of 1 per cent for each additional one-twelfth credit of age and employment or membership to a maximum of 100 per cent.
- 3.1 If a member or former member's employment or membership was terminated on or after January 1, 1988 and if the date of the wind up of the pension plan is on or after the day section 34 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, a deferred pension in respect of employment in Ontario to which the member or former member is entitled under section 36 or 37 (deferred pension), or both.

### **35 Paragraph 3 of section 85 of the Act is repealed and the following substituted:**

3. The amount of any pension or pension benefit, including any bridging supplement, in excess of \$1,000 per month or such greater amount as is prescribed, if the date of the wind up is before the day section 35 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force.
- 3.1 The amount of any pension or pension benefit, including any bridging supplement, in excess of \$1,500 per month or such greater amount as is prescribed, if the date of the wind up is on or after the day section 35 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force.

### **36 (1) Clause 87 (1) (a) of the Act is amended by adding "the Authority rules" after "the regulations".**

**(2) Clause 87 (1) (b) of the Act is amended by striking out "this Act and the regulations" at the end and substituting "this Act, the regulations and the Authority rules".**

**(3) Clause 87 (1) (c) of the Act is amended by striking out "this Act or the regulations" at the end and substituting "this Act, the regulations or the Authority rules".**

**37 Subsection 89 (9) of the Act is amended by striking out "this Act and the regulations" and substituting "this Act, the regulations and the Authority rules".**

### **38 The Act is amended by adding the following section before the heading "General":**

#### **Special rules, Essar Steel Algoma Inc. pension plans**

**102.2** (1) This section applies with respect to the following pension plans:

1. The pension plan known as the Essar Steel Algoma Inc. Pension Plan for Salaried Employees, registered under this Act as number 1079896.
2. The pension plan known as the Essar Steel Algoma Inc. Pension Plan for Hourly Employees, registered under this Act as number 1079904.

#### **Prescribed exemptions, s. 57**

(2) The Lieutenant Governor in Council may make regulations exempting Essar Steel Algoma Inc. or a successor employer from subsection 57 (3), (4), (5) or (6), if

- (a) Essar Steel Algoma Inc., the successor employer, if any, and the parties specified by regulation have entered into an agreement related to the application of those provisions in respect of the contributions to the pension plan by Essar Steel Algoma Inc. or by the successor employer; and
- (b) the Superintendent has approved the agreement in accordance with subsection (3).

#### **Superintendent's approval of agreement**

- (3) The Superintendent may approve an agreement under this section if,
  - (a) after consulting with members, former members, retired members and other persons entitled to benefits under the pension plan, the Superintendent has taken into account their interests; and
  - (b) the agreement satisfies such conditions or restrictions as may be prescribed.

#### **Decision to approve, etc.**

- (4) A decision by the Superintendent under subsection (3) to approve or not to approve an agreement is final and is not subject to a hearing or an appeal.

#### **Restrictions, etc.**

- (5) A regulation under this section may be subject to prescribed limitations, conditions or restrictions.

#### **Interpretation**

- (6) For purposes of this section,

“successor employer” means a person who acquires the business of Essar Steel Algoma Inc., if the person assumes some or all of Essar Steel Algoma Inc.’s obligations and rights under a pension plan to which this section applies in connection with the acquired business.

**39 Subsection 109 (1) of the Act is amended by striking out “this Act or the regulations” and substituting “this Act, the regulations or the Authority rules”.**

**40 Subsection 112 (1) of the Act is amended by striking out “this Act or the regulations” and substituting “this Act, the regulations or the Authority rules”.**

**41 Section 113 of the Act is amended by striking out “this Act or the regulations” and substituting “this Act, the regulations or the Authority rules”.**

**42 (1) Subsection 115 (1) of the Act is amended by adding the following clause:**

- (a.1) respecting any matter in respect of which the Authority may make Authority rules under section 115.1, with necessary modifications;

**(2) Section 115 of the Act is amended by adding the following subsections:**

#### **Regulations re transfer of Commission, Superintendent powers, duties and functions**

- (1.2) The Lieutenant Governor in Council may make regulations,
  - (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
  - (b) providing for the transfer of powers conferred on, duties assigned to and functions of the Commission under this Act to the Authority or to the Chief Executive Officer;
  - (c) deeming references in this Act or the regulations to the Superintendent or the Commission to be references to the Authority or the Chief Executive Officer;
  - (d) governing transitional matters that may arise due to the transfers described in clauses (a) and (b) or the deeming of references described in clause (c).

#### **Same**

- (1.3) A regulation made under subsection (1.2) is subject to such conditions, limitations and restrictions as may be prescribed.

#### **Conflicts**

- (1.4) If there is a conflict between a regulation made under subsection (1.2) and any Act or any other regulation, the regulation made under subsection (1.2) prevails, unless the Act or other regulation specifies that it prevails.

**43 (1) The Act is amended by adding the following sections:**

#### **Authority rules**

- 115.1 (1)** The Authority may make rules in respect of the following matters:

1. Prescribing, for the purposes of subsection 9 (1), the period of time within which the administrator must apply for registration of a pension plan.
2. Prescribing the period of time for filing of an annual information return under subsection 20 (1).
3. Prescribing, for the purposes of subsection 20 (2), the time for filing of additional reports, subject to subsection (2).
4. Prescribing, for the purposes of subsection 20 (2), the information that must be contained in additional reports, subject to subsection (2).
5. Prescribing, for the purposes of clause 25 (1) (c), any other information that must be provided by the administrator of a pension plan.
6. Prescribing the period of time for the purposes of subsection 25 (2).
7. Prescribing the period of time for the purposes of subsection 26 (3).
8. Prescribing the period of time and information for the purposes of subsection 27 (1).
9. Prescribing the period of time and information for the purposes of subsection 27 (2).
10. Prescribing the period of time and information for the purposes of subsection 28 (1).
11. Prescribing records for the purposes of subsection 29 (1).
12. Prescribing, for the purposes of clause 29 (1) (c.1), the circumstances in which and the purposes for which the administrator must make records available.
13. Prescribing, for the purposes of clause 42 (6) (b), requirements that a contract to purchase a deferred life annuity must meet.
14. Prescribing, for the purposes of subsection 49 (2), conditions that must be satisfied for a pension plan to be deemed to permit variation in the terms of payment.
15. Governing applications for a statement of imputed value under subsection 67.2 (6).
16. Prescribing, for the purposes of subsection 67.2 (7), the maximum amount of an application fee that an administrator may impose.
17. Prescribing the period of time and information for the purposes of subsection 67.2 (9).
18. Governing applications for a transfer under subsection 67.3 (2).
19. Prescribing, for the purposes of subsection 67.3 (4), the period of time within which the administrator must make a transfer.
20. Governing applications for a division and payment under subsection 67.4 (2).
21. Prescribing, for the purposes of subsection 67.4 (4), the period of time within which the administrator must begin payments.

#### **Limit**

- (2) An Authority rule made under paragraph 3 or 4 of subsection (1) may not be made with respect to valuation reports.

#### **Legislation Act, 2006**

- (3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Authority rules.

#### **Conflict: regulations, Authority rules**

**115.2** If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and an Authority rule, the regulation prevails, but in all other respects an Authority rule has the same force and effect as a regulation.

#### **(2) Subsection 115.1 (1) of the Act, as enacted by subsection (1) is amended by adding the following paragraphs:**

- 12.1 Prescribing, for the purposes of paragraph 1 of subsection 39.1 (2.2), the period of time within which a form must be dated, signed and delivered to the administrator.
- 12.2 Prescribing, for the purposes of subsection 39.1 (7), the rules governing the delivery of a direction.
- 12.3 Prescribing, for the purposes of subsection 39.1 (8), the period of time within which the administrator must comply with a direction.
- 12.4 Prescribing, for the purposes of subsection 39.1.1 (7), the period of time within which a direction must be delivered.
- 12.5 Prescribing, for the purposes of subsection 39.1.1 (10), the period of time within which an election must be delivered.

12.6 Prescribing the period of time and information for the purposes of subsection 39.1.1 (10.1).

**(3) Subsection 115.1 (1) of the Act, as enacted by subsection (1) is amended by adding the following paragraphs:**

13.1 Prescribing notice requirements for the purposes of subsection 43.1 (3).

13.2 Prescribing requirements for the purposes of paragraph 5 of subsection 43.1 (4).

13.3 Prescribing notice requirements for the purposes of subsection 43.1 (7).

**(4) Subsection 115.1 (1) of the Act, as enacted by subsection (1) is amended by adding the following paragraphs:**

22. Governing applications for a statement of imputed value under subsection 67.7 (4).

23. Prescribing, for the purposes of subsection 67.7 (5), the maximum amount of an application fee that an administrator may impose.

24. Prescribing, for the purposes of subsection 67.7 (7), the information that must be contained in a statement of imputed value and the period of time within which it must be given.

25. Governing applications for a transfer under subsection 67.8 (2).

26. Prescribing, for the purposes of subsection 67.8 (4), the period of time within which a transfer must be made.

***Securing Pension Benefits Now and for the Future Act, 2010***

**44 Subsection 10 (1), section 12 and subsection 15 (3) of the *Securing Pension Benefits Now and for the Future Act, 2010* are repealed.**

**Commencement**

**45 (1) Subject to subsections (2) to (6), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:**

1. Subsections 1 (1) to (4) and (6) and (7).

2. Section 2.

3. Subsections 3 (1), (3) and (4).

4. Sections 4 to 13.

5. Subsection 14 (1).

6. Sections 17, 18 and 20 to 43.

**(3) Subsection 1 (5) comes into force on the later of the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent and the day subsection 1 (8) of the *Securing Pension Benefits Now and for the Future Act, 2010* comes into force.**

**(4) Subsection 3 (2) comes into force on the later of the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent and the day section 5 of the *Securing Pension Benefits Now and for the Future Act, 2010* comes into force.**

**(5) Subsections 14 (2), (3) and (4) come into force on the later of the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent and the day section 2 of Schedule 34 to the *Building Ontario Up Act (Budget Measures), 2015* comes into force.**

**(6) Sections 15 and 16 come into force on the later of the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent and the day section 8 of Schedule 27 to the *Stronger, Healthier Ontario Act (Budget Measures), 2017* comes into force.**

**SCHEDULE 34  
PROFESSIONAL ENGINEERS ACT**

**1 Subsection 5 (2) of the *Professional Engineers Act* is amended by striking out “subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the person’s professional conduct while a member” at the end.**

**2 Paragraph 27 of subsection 7 (1) of the Act is repealed and the following substituted:**

27. governing the continuing education of members and holders of temporary licences, provisional licences and limited licences, including,
- i. providing for the development or approval of continuing education and professional development programs,
  - ii. requiring members and holders to successfully complete or participate in such programs,
  - iii. providing for sanctions for non-compliance, including suspension or cancellation of a person’s licence, temporary licence, provisional licence or limited licence until the person is in compliance, or the imposition of additional requirements in order to be considered to be in compliance;

**3 Subsection 8 (3) of the Act is repealed and the following substituted:**

**Confirmation**

(3) If a by-law passed by the Council requires it, the by-law is not effective until it is confirmed, in the manner specified by the Council, by a majority of the members of the Association who vote on the by-law.

**4 Subsection 14 (2) of the Act is repealed and the following substituted:**

**Grounds for refusal, suspension or revocation**

- (2) The Registrar may refuse to issue or may suspend or revoke a licence if the Registrar is of the opinion, on reasonable and probable grounds,
- (a) that the past conduct of the applicant for or the holder of the licence affords grounds for the belief that the applicant or holder will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity;
  - (b) that the holder of the licence does not meet the requirements or the qualifications for the issuance of the licence set out in the regulations; or
  - (c) that there has been a breach of a term, condition or limitation of the licence.

**5 Clause 15 (8) (c) of the Act is amended by striking out “a condition” and substituting “a term, condition or limitation”.**

**6 Clause 18 (2) (c) of the Act is amended by striking out “a condition” and substituting “a term, condition or limitation”.**

**7 (1) Subsection 19 (1) of the Act is repealed and the following substituted:**

**Notice of proposal to not issue or to revoke, suspend**

(1) If the Registrar proposes any of the following, the Registrar shall serve notice of the proposal, together with written reasons, on the applicant:

- 1. A refusal to issue, or a suspension or revocation of, a licence under subsection 14 (2).
- 2. A refusal to issue, or a suspension or revocation of, a certificate of authorization under subsection 15 (8).
- 3. A refusal to issue, or a suspension or revocation of, a temporary licence, provisional licence or limited licence under subsection 18 (2).

**(2) Subsection 19 (7) of the Act is repealed and the following substituted:**

**Powers of Registration Committee, refusal to issue**

(7) Following a hearing under this section respecting a refusal to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, the Registration Committee shall make one of the following orders:

- 1. If the Committee determines on reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, the Committee shall direct the Registrar to issue the licence, certificate of authorization, temporary licence, provisional licence or limited licence to the applicant.



2. If the Committee determines on reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations, the Committee shall,
  - i. direct the Registrar to refuse to issue the licence, certificate of authorization, temporary licence, provisional licence or limited licence,
  - ii. exempt the applicant from any of the requirements of this Act or the regulations and direct the Registrar to issue the licence, certificate of authorization, temporary licence, provisional licence or limited licence, if the Committee determines on reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, or
  - iii. direct the Registrar to issue the licence, certificate of authorization, temporary licence, provisional licence or limited licence subject to such terms, conditions or limitations as the Committee specifies, if the Committee determines on reasonable grounds that the terms, conditions or limitations are necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity.

**Powers of Registration Committee, suspension or revocation**

(7.1) Following a hearing under this section respecting a proposal to suspend or revoke a licence, certificate of authorization, temporary licence, provisional licence or limited licence, the Registration Committee shall make one of the following orders:

1. If the Committee determines on reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, the Committee shall direct the Registrar not to suspend or revoke the licence, certificate of authorization, temporary licence, provisional licence or limited licence.
2. If the Committee determines on reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations, the Committee shall,
  - i. direct the Registrar to suspend or revoke, as the case may be, the licence, certificate of authorization, temporary licence, provisional licence or limited licence,
  - ii. exempt the applicant from any of the requirements of this Act or the regulations and direct the Registrar not to suspend or revoke the licence, certificate of authorization, temporary licence, provisional licence or limited licence, if the Committee determines on reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, or
  - iii. direct that the applicant's licence, certificate of authorization, temporary licence, provisional licence or limited licence be made subject to such terms, conditions or limitations as the Committee specifies, if the Committee determines on reasonable grounds that the terms, conditions or limitations are necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity.

**(3) Subsection 19 (16) of the Act is repealed and the following substituted:**

**Applicant**

(16) In this section,

“applicant” means the applicant for, or the holder of, a licence, temporary licence, provisional licence, limited licence or certificate of authorization, as the case may be.

**8 (1) Subsection 21 (1) of the Act is amended by adding the following paragraph:**

- 3.1 The date of every hearing held before the Discipline Committee in respect of which a notice of hearing is sent on or after the day Schedule 34 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force, and a record of every decision made at such a hearing, including the date on which the decision was issued, the penalty that was imposed, and access to the text of the decision including reasons.

**(2) Section 21 of the Act is amended by adding the following subsection:**

**Electronic version**

(4) The Registrar may make information contained in the registers available to the public electronically.

**9 Subsection 22 (1) of the Act is amended by striking out “subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the person’s professional conduct while a member or holder” at the end.**

**10 The Act is amended by adding the following section:**

## **Continuing jurisdiction**

### **Former members, holders**

**22.1** (1) A member who resigns or a holder of a licence, temporary licence, provisional licence, limited licence or certificate of authorization that is cancelled or revoked continues to be subject to the jurisdiction of the Association in respect of any professional misconduct or incompetence referable to a time when the person was a member or holder.

### **During suspension**

(2) For greater certainty, a person whose licence, temporary licence, provisional licence, limited licence or certificate of authorization is suspended remains subject to the continuing jurisdiction of the Association for all purposes under this Act.

### **11 Clause 27 (5) (a) of the Act is repealed and the following substituted:**

- (a) select a panel from among the members of the Committee that includes at least one of each of the persons appointed under paragraphs 2, 3 and 4 of subsection (1) and that may include one or more of the persons appointed under paragraph 1 of that subsection;

**12 (1) Subsection 30 (5) of the Act is amended by striking out “shall be furnished only to the parties” and substituting “shall be furnished to any person”.**

**(2) Section 30 of the Act is amended by adding the following subsections:**

### **Copies of evidence**

(5.1) The Registrar shall provide a copy of any document received in evidence in the proceeding to any person who requests it and pays the specified fee.

### **Limitation**

(5.2) Subsections (5) and (5.1) are subject to any applicable order made under subsection (4.1).

**13 Section 38 of the Act is amended by adding the following subsection:**

### **Non-application, disclosure by Registrar where risk of harm**

(1.1) Subsection (1) does not apply to the disclosure of such matters or information by the Registrar, if there are reasonable grounds to believe that there may be a risk of harm to any person or property or to the public welfare.

### **Commencement**

**14 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

## SCHEDULE 35 PROVINCIAL OFFENCES ACT

**1 (1) The definition of “prosecutor” in subsection 1 (1) of the *Provincial Offences Act* is repealed and the following substituted:**

“prosecutor” means, in respect of a proceeding, the following person, and includes an agent acting on that person’s behalf:

1. The Attorney General, subject to paragraphs 2 and 3.
2. In the case of a proceeding to which a transfer agreement made under Part X applies and in which the Attorney General does not intervene, a person acting on behalf of a municipality in accordance with the agreement.
3. The person who issues a certificate or lays an information, if neither the Attorney General nor a person referred to in paragraph 2, or an agent of either of them, acts as prosecutor; (“poursuivant”)

**(2) The definition of “set fine” in subsection 1 (1) of the Act is repealed and the following substituted:**

“set fine” means the amount specified for an offence under section 91.1 by the Chief Justice of the Ontario Court of Justice or by a regional senior judge of that court for the purpose of proceedings under Part I or II. (“amende fixée”)

**2 Section 3 of the Act is amended by adding the following subsection:**

### **Requirements for offence notice**

(2.1) An offence notice must comply with the following rules:

1. It must indicate that the notice of intention to appear may be filed in person, in addition to any other methods it may specify.
2. It must indicate that an option of an early resolution meeting with the prosecutor is available, unless it indicates that the notice of intention to appear may be filed by mail.

**3 Section 5.1 of the Act is repealed and the following substituted:**

### **Early resolution meeting procedure**

**5.1** (1) This section applies where the offence notice indicates that an option of an early resolution meeting with the prosecutor is available.

#### **Request**

(2) Instead of filing the notice of intention to appear, a defendant may request an early resolution meeting with the prosecutor to discuss the resolution of the offence by delivering that request to the court office, by mail or in any other additional manner specified on the offence notice, within 15 days after being served with the offence notice.

#### **Types of early resolution meetings**

(3) The defendant may request that the early resolution meeting be conducted,

- (a) in person;
- (b) in real time by electronic method in accordance with section 83.1; or
- (c) through the exchange of written electronic communications in accordance with the regulations, if the offence notice indicates that this option is available.

#### **Written electronic meeting**

(4) If the defendant requests an early resolution meeting through the exchange of written electronic communications, the defendant, the prosecutor and the clerk shall comply with the procedure set out in the regulations instead of the procedure set out in subsections (5) to (7).

#### **Notice**

(5) If a defendant requests an early resolution meeting described in clause (3) (a) or (b), the clerk of the court shall, as soon as is practicable, give notice to the defendant and the prosecutor of the time and, as applicable, the place or method of their meeting.

#### **Rescheduling of meeting time**

(6) If the time for the meeting is not suitable for the defendant, he or she may, at least two days before the scheduled time of the meeting, deliver to the clerk of the court one written request to reschedule the time for the meeting, and the clerk shall arrange a new meeting time to take place within 30 days after the time scheduled in the notice.

#### **Notice of rescheduled meeting time**

(7) If a meeting time is rescheduled, the clerk of the court shall, as soon as is practicable, give notice to the defendant and the prosecutor of the rescheduled time and, as applicable, the place or method of their meeting.

### **Transition**

(8) The following rules apply to defendants who were issued an offence notice that requires the notice of intention to appear to be filed in person before the day section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* came into force:

1. If the defendant did not meet with the prosecutor in accordance with this section as it read before those amendments came into force, the offence notice is deemed to indicate that an option of an early resolution meeting with the prosecutor is available and the defendant may request an early resolution meeting in accordance with this section.
2. If the defendant met with the prosecutor in accordance with this section as it read before those amendments came into force, their meeting and any agreement made at their meeting shall be dealt with in accordance with this Act as it read at that time.

### **Early resolution meeting agreements**

**5.2** (1) A defendant and prosecutor who participate in an early resolution meeting under section 5.1 may agree that,

- (a) the defendant will plead guilty to the offence, a substituted offence or a substituted allegation related to the offence and,
  - (i) the defendant will pay the set fine and all applicable costs and surcharges fixed by the regulations within 15 days, or such other time as the defendant and prosecutor may agree to, after the conviction date that will be recorded in accordance with subsection 5.3 (4), or
  - (ii) submissions will be made as to the amount of the fine, the time to pay the fine, or both; or
- (b) the prosecutor will withdraw the charge.

### **Withdrawal of charge**

(2) If the prosecutor agrees to withdraw the charge, he or she shall indicate that the charge has been withdrawn on the agreement form prescribed under section 13 and file it with the clerk of the court as soon as is practicable.

### **Agreement on plea of guilty, no submissions**

**5.3** (1) If an agreement described in subclause 5.2 (1) (a) (i) is reached, the defendant shall sign the agreement form prescribed under section 13 and provide it to the prosecutor, who shall file the form with the clerk of the court within three days after receiving it.

### **Failure to file**

(2) If the prosecutor does not file a signed agreement form within three days after receiving it as required by subsection (1), the charge is deemed to be withdrawn.

### **Recording of conviction**

(3) Subject to an abandonment of the agreement under subsection (7), a clerk of the court who receives a signed agreement form under subsection (1) shall record the conviction in accordance with the agreement as soon as is practicable.

### **Conviction date**

(4) The clerk of the court shall record the conviction date as the earlier of the following days:

1. The day that is 15 days after the day the defendant signed the agreement.
2. The day the defendant pays the set fine and all applicable costs and surcharges.
3. The day the defendant makes the initial payment set out in the agreement.

### **Fine imposed**

(5) The fine is deemed to be imposed as of the conviction date.

### **Notice**

(6) If the defendant has not paid the set fine and all applicable costs and surcharges by the conviction date, the clerk of the court shall give the defendant notice of the fine and its due date and of the defendant's right to make an application for an extension of the time for payment under section 66.0.1.

### **Abandonment of agreement**

(7) The defendant may abandon the agreement within 15 days after the day he or she signed the agreement, if he or she has not made a payment referred to in paragraph 2 or 3 of subsection (4), by filing a notice of intention to abandon an early resolution agreement and appear at trial in the form prescribed under section 13 with the clerk of the court, and in such a case the clerk of the court shall, as soon as is practicable, give notice to the defendant and the prosecutor of the time and place of the trial.

### **Agreement on plea of guilty, submissions**

**5.4** (1) If an agreement described in subclause 5.2 (1) (a) (ii) is reached, the defendant shall sign the agreement form prescribed under section 13 and, as directed by the prosecutor,

- (a) immediately appear with the prosecutor before a justice sitting in court and orally enter the plea and make submissions;
- (b) appear with the prosecutor before a justice sitting in court within 10 days to orally enter the plea and make submissions; or
- (c) appear without the prosecutor before a justice sitting in court within 10 days, enter the plea orally and make the submissions in the form determined by the regulations.

### **If proceeding not immediate**

(2) If the prosecutor does not direct the defendant to immediately appear before a justice or if no justice is available to immediately conduct the proceeding,

- (a) the prosecutor shall indicate on the agreement form prescribed under section 13 that an appearance before a justice is required and provide it to the clerk of the court; and
- (b) the clerk of the court shall, as soon as is practicable, give notice to the defendant and the prosecutor of the time and place for the proceeding.

### **Conviction**

(3) On receiving the plea and submissions under this section, the justice may,

- (a) at the justice's discretion, require the prosecutor to appear and speak to the submissions if the defendant appears without the prosecutor; and
- (b) enter a conviction and impose the set fine or such other fine as is permitted by law in respect of the offence, and if applicable the allegation related to the offence, for which the plea was entered.

### **Notice of trial**

**5.5** (1) The clerk of the court shall, as soon as is practicable, give notice to the defendant and the prosecutor of the time and place of the trial if,

- (a) an agreement is not reached at the early resolution meeting; or
- (b) the justice does not accept a guilty plea under section 5.4 and sets the matter to trial.

### **Rescheduling time of trial**

(2) The clerk of the court may, for administrative reasons, reschedule the time of a trial under subsection (1) by giving a revised notice to the defendant and the prosecutor within 21 days after giving them notice of the trial.

**4 Subsection 7 (1) of the Act is amended by striking out “the option of meeting with the prosecutor under section 5.1” and substituting “the option of an early resolution meeting under section 5.1”.**

**5 Section 9 of the Act is repealed and the following substituted:**

### **Deemed not to dispute charge**

**9** (1) A defendant is deemed to not wish to dispute the charge where,

- (a) at least 15 days have elapsed after the defendant was served with the offence notice and the defendant did not give notice of intention to appear under section 5, did not request an early resolution meeting under section 5.1 and did not plead guilty under section 7 or 8;
- (b) the defendant requested an early resolution meeting described in clause 5.1 (3) (a) or (b) but did not attend the meeting; or
- (c) the defendant reached an agreement with the prosecutor in an early resolution meeting under subclause 5.2 (1) (a) (ii), but did not appear before a justice as required under section 5.4.

### **Examination of certificate of offence by clerk**

(2) If a defendant is deemed to not wish to dispute the charge in accordance with clause (1) (a) or (b), the clerk of the court shall examine the certificate of offence and,

- (a) if it is not defective, as determined by the regulations, enter a conviction in the defendant's absence and without a hearing and impose the set fine for the offence; or
- (b) if it is defective, as determined by the regulations, quash the proceeding.

**Application to justice**

(3) A defendant who is convicted under subsection (2) may, within 15 days after becoming aware of the conviction, make an application to a justice in the prescribed form to strike out the conviction.

**Same**

(4) On application under subsection (3), the justice shall strike out the conviction if satisfied that the certificate of offence is defective, as determined by the regulations, or is otherwise not complete and regular on its face.

**Examination of certificate of offence by justice**

(5) If a defendant is deemed to not wish to dispute the charge in accordance with clause (1) (c), the justice shall examine the certificate of offence and,

- (a) if it is not defective, as determined by the regulations, and is complete and regular on its face, enter a conviction in the defendant's absence and without a hearing and impose the set fine for the offence; or
- (b) if it is defective, as determined by the regulations, or is otherwise not complete and regular on its face, quash the proceeding.

**Proof of municipal by-law not required**

(6) If the offence is in respect of an offence under a by-law of a municipality, proof of the by-law that creates the offence is not required to enter a conviction and impose a set fine under this section.

**6 Section 11 of the Act is repealed and the following substituted:****Reopening****Application to strike out conviction**

**11** (1) A defendant who was convicted without a hearing may, within 15 days after becoming aware of the conviction, make an application to have the conviction struck out by completing the prescribed form and filing it in the office of the court.

**Striking out the conviction**

(2) On application under subsection (1), the clerk of the court shall strike out the conviction if satisfied by affidavit of the defendant that, through no fault of the defendant, he or she,

- (a) was unable to attend an early resolution meeting described in clause 5.1 (3) (a) or (b);
- (b) was unable to appear for a hearing; or
- (c) did not receive delivery of a notice or document relating to the offence.

**Review by justice**

(3) If the clerk of the court does not strike out the conviction, he or she shall forward the application to a justice for review, who shall strike out the conviction if he or she determines that the requirements in subsection (2) have been met.

**Notice if conviction struck out**

(4) If a conviction is struck out under subsection (2) or (3), the clerk of the court shall give notice,

- (a) to the defendant of the time and place to appear under section 7, if the offence notice does not indicate that the option of an early resolution meeting under section 5.1 is available and the defendant wishes to proceed under section 7;
- (b) to the defendant and the prosecutor of the time and, as applicable, the place or method of their early resolution meeting under section 5.1, if the offence notice indicates that the option of an early resolution meeting under that section is available and the defendant wishes to proceed under that section; or
- (c) to the defendant and the prosecutor of the time and place of the trial.

**Rescheduling time of trial**

(5) The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor within 21 days after giving the notice referred to in clause (4) (c).

**Certificate**

(6) A justice or a clerk of the court who strikes out a conviction under this section shall give the defendant a certificate of the fact in the prescribed form.

**Transition**

(7) Despite subsection (4), a defendant is eligible to have an early resolution meeting under section 5.1 even if the offence notice does not indicate that the option of an early resolution meeting under that section is available if,

- (a) the offence notice was issued before the day section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures)*, 2017 came into force; and
- (b) the offence notice requires the notice of intention to appear to be filed in person.

**7 (1) Clause 13 (1.1) (a) of the Act is repealed and the following substituted:**

- (a) prescribing the forms that are considered necessary under this Part;

**(2) Subsection 13 (1.1) of the Act is amended by adding the following clauses:**

- (c) establishing and governing a procedure for early resolution meetings under clause 5.1 (3) (c) conducted through the exchange of written electronic communications, including, without limiting the generality of the foregoing,
  - (i) requiring the meetings to be conducted using a prescribed method of exchanging written electronic communications,
  - (ii) prescribing methods of exchanging written electronic communications that cannot be used to conduct the meetings,
  - (iii) governing the provision of notice to the defendant and prosecutor,
  - (iv) governing the process for withdrawing from the meeting and the consequences of such a withdrawal,
  - (v) governing the timelines and deadlines that must be met by the defendant and prosecutor or the process for determining those timelines and deadlines,
  - (vi) governing the procedural consequences for failing to meet a timeline or deadline, which may include requiring the clerk of the court to schedule a trial for the offence,
  - (vii) varying or modifying the application of sections 5.2, 5.3, 5.4 and 5.5 to these meetings, and
  - (viii) governing transitional matters that may arise in relation to these meetings;
- (d) prescribing the characteristics that make a certificate of offence defective for the purposes of section 9.

**8 The French version of subsection 17.1 (6) of the Act is amended by striking out “Aussitôt que possible dans les circonstances” at the beginning and substituting “Dès que matériellement possible”.**

**9 Subsection 32 (1) of the Act is repealed and the following substituted:**

**Stay of proceeding**

(1) A proceeding may be stayed at any time before judgment by direction in court given by any of the following persons to the clerk of the court and, on the staying of the proceeding, any recognizance relating to the proceeding is vacated:

1. The Attorney General or his or her agent.
2. In the case of a proceeding to which a transfer agreement made under Part X applies and in which the Attorney General does not intervene, a person acting on behalf of a municipality in accordance with the agreement.

**Same**

(1.1) The power to stay a proceeding under subsection (1) is in addition to and does not affect the right of the Attorney General, his or her agent or a person acting on behalf of a municipality in accordance with a transfer agreement made under Part X to withdraw a charge.

**10 The French version of subsection 44 (6) of the Act is amended by striking out “si possible” and substituting “si possible dans les circonstances”.**

**11 Subsection 48.1 (1) of the Act is repealed and the following substituted:**

**Certified evidence**

**Application**

- (1) This section applies to a hearing, including a hearing in the absence of a defendant under section 54, if,
  - (a) the proceeding for the offence was commenced under Part I or II and a set fine has been specified for the offence; or
  - (b) the offence is specified by the regulations.

**12 (1) Subsection 66 (1) of the Act is repealed and the following substituted:**

**When fine due**

(1) A fine becomes due and payable 15 days after its imposition unless an extension or agreement under this Act provides otherwise.

**(2) Subsection 66 (5) of the Act is amended by striking out “a motion for an extension of the time for payment under subsection (6)” at the end and substituting “an application for an extension of the time for payment under section 66.0.1”.**

**(3) Subsection 66 (6) of the Act is repealed.**

**13 The Act is amended by adding the following section:**

**Application for extension**

**66.0.1** (1) A defendant may, at any time, make an application for an extension or a further extension of time for payment of a fine by completing the prescribed form and filing it in the office of the court.

**Consideration by clerk of the court**

(2) The clerk of the court may,

- (a) grant the application if he or she is satisfied, having regard to any criteria prescribed under subsection (4), that the application is made in good faith and will not be used to evade payment; or
- (b) forward the application to a justice for review.

**Review by justice**

(3) A justice who reviews the application has the same powers in respect of the application as the court has under subsection 66 (3) and shall assess the application in accordance with the criteria set out in subsection 66 (4).

**Regulations**

(4) The Attorney General may make regulations prescribing criteria that the clerk of the court shall consider in determining whether to grant an extension of the time for payment of a fine.

**14 The Act is amended by adding the following section:**

**Order of payment for multiple fines in default**

**69.2** (1) A person with multiple fines in default shall pay the defaulted fines in order of default date, beginning with the fine that has been in default for the longest period of time.

**Older fines in default must be paid in full**

(2) A person may not pay any portion of a fine in default until any outstanding older fines in default have been paid in full.

**Fines that went into default on same day**

(3) For greater certainty, a person’s oldest outstanding fines in default may be paid in any order if they went into default on the same day.

**Fine that has gone into default multiple times**

(4) If a fine has gone into default multiple times, only the most recent default date shall be used to calculate how long it has been in default for the purposes of this section.

**Transition**

(5) This section applies to any fine that was in default or that went into default on or after the day this section came into force.

**15 Section 70 of the Act is repealed and the following substituted:**

**Administrative monetary penalty where fine in default**

**70** (1) A defendant shall pay the administrative monetary penalty prescribed by the regulations if the payment of his or her fine goes into default.

**Administrative monetary penalty not affected if time for payment extended**

(2) If a fine goes into default, the obligation to pay an administrative monetary penalty under subsection (1) is not affected by a subsequent extension or further extension of the time for payment of the fine under section 66.0.1.

**Multiple administrative monetary penalties possible**

(3) For greater certainty, it is possible for a defendant to incur multiple administrative monetary penalties in respect of the same fine if the payment goes into default, the defendant is granted an extension of time for payment and the fine subsequently goes into default again.

**Administrative monetary penalty collectable as a fine**

(4) For the purpose of making and enforcing payment, an amount payable under this section shall be deemed to be part of the fine that is in default.



### **Transition**

(5) This section applies to any fine that was in default or that went into default on or after the day this section came into force.

**16 (1) Section 83.1 of the Act is amended by adding the following subsection:**

#### **Early resolution meeting equipment**

(2.1) If an offence notice indicates that the option of an early resolution meeting under section 5.1 is available, the clerk of the court at the courthouse indicated on the offence notice shall ensure that the courthouse is equipped to allow a defendant or prosecutor who is unable to attend in person because of remoteness to attend by electronic method.

**(2) Subsection 83.1 (3.1) of the Act is amended by striking out “a sentencing hearing under sections 5.1 and 7” in the portion before clause (a) and substituting “a hearing under sections 5.4 and 7”.**

**(3) Clause 83.1 (4) (b) of the Act is repealed and the following substituted:**

(b) attending an early resolution meeting between the defendant and the prosecutor under section 5.1; or

**17 The Act is amended by adding the following section:**

#### **Set fines**

#### **Chief Justice**

**91.1 (1)** The Chief Justice of the Ontario Court of Justice may specify an amount as the set fine for the purpose of proceedings under Part I or II for any offence.

#### **Regional senior judge**

(2) The regional senior judge of the Ontario Court of Justice for a region may specify an amount as the set fine for the purpose of proceedings under Part I or II for an offence under a by-law of a municipality in the region.

#### **Conflict**

(3) A set fine specified by the Chief Justice prevails over a set fine specified by a regional senior judge.

**18 (1) Clause 92 (g) of the Act is repealed and the following substituted:**

(g) prescribing administrative monetary penalties for the purposes of subsection 70 (1) for the late payment of fines or classes of fines, and prescribing the classes;

**(2) Section 92 of the Act is amended by adding the following clause:**

(h) providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments made by Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures)*, 2017.

**19 The French version of subsection 107 (7) of the Act is amended by striking out “Dans la mesure du possible” at the beginning and substituting “Dans la mesure du possible dans les circonstances”.**

**20 (1) The French version of subsection 158.1 (1) of the Act is amended by striking out “qu’il serait peu commode” and substituting “qu’il ne lui serait pas possible dans les circonstances”.**

**(2) The French version of clause 158.1 (4) (a) of the Act is amended by striking out “il est peu commode” and substituting “il n’est pas matériellement possible”.**

**21 Subclauses 162 (1) (b) (i) and (ii) of the Act are repealed and the following substituted:**

(i) in proceedings commenced under this Act, and

(ii) in proceedings under the *Contraventions Act* (Canada) that are commenced under this Act.

**22 Subsection 167 (2) of the Act is repealed.**

**23 Section 173 of the Act is repealed and the following substituted:**

#### **Transition, Part III proceedings**

**173 (1)** Unless a transfer agreement provides otherwise, the agreement applies in respect of a proceeding commenced under Part III regardless of when the proceeding was commenced, subject to subsection (2).

#### **Exception**

(2) If either of the following applies with respect to a proceeding, the trial and disposition, including sentencing, shall be conducted as if there were no agreement:

1. The trial is scheduled to begin within 60 days after the day on which the agreement begins applying to the proceeding.

2. The trial began before the day the agreement begins applying to the proceeding, but the disposition, including sentencing, is not complete on that day.

**24 The French version of the Act is amended by striking out “dès que possible” wherever it appears and substituting in each case “dès que matériellement possible”:**

1. Section 4.
2. Subsection 5 (5).
3. Subsection 17 (4), at the beginning.
4. Subsection 18.1 (4), at the beginning.
5. Subsection 158.1 (2).
6. Clause 158.1 (8) (c), at the beginning.
7. Clauses 158.1 (10) (a) and (b).
8. Subsection 158.2 (2), in the portion before paragraph 1.

**25 The French version of the Act is amended by striking out “aussitôt que possible” wherever it appears and substituting in each case “dès que matériellement possible”:**

1. Subsection 96 (1).
2. Subsection 107 (2), in the portion before clause (a).
3. Subsection 135 (3), at the beginning.
4. Subsection 149 (1), in the portion before clause (a).
5. Subsection 150 (1).

*City of Toronto Act, 2006*

**26 Subsection 381 (2) of the *City of Toronto Act, 2006* is amended by striking out “including any extension of time for payment ordered under that section” and substituting “including any extension of time for payment under section 66 or 66.0.1 of that Act”.**

*Highway Traffic Act*

**27 (1) Subsection 205.3 (2) of the *Highway Traffic Act* is amended by striking out “Sections 5, 5.2, 6, 9, 9.1 and 11” at the beginning and substituting “Sections 5 to 5.5, 9, 9.1 and 11”.**

**(2) Subsection 205.7 (1) of the Act is amended by striking out “the defendant has not given notice of intention to appear, pleaded guilty or made a payment out of court, as provided by section 5.1, 7 or 8 of the *Provincial Offences Act*” and substituting “the defendant has not given notice of intention to appear, requested an early resolution meeting, pleaded guilty or made a payment out of court, as provided by section 5, 5.1, 7 or 8 of the *Provincial Offences Act*”.**

- (3) Subsection 205.17 (2) of the Act is repealed.**
- (4) Section 205.19 of the Act is repealed.**
- (5) Section 205.22 of the Act is repealed.**
- (6) Section 205.23 of the Act is repealed.**
- (7) Clause 205.25 (h) of the Act is repealed.**

**(8) Subsections (1) and (2) only apply if section 5 of the *Safer School Zones Act, 2017* is not in force on the day those subsections come into force.**

*Municipal Act, 2001*

**28 Subsection 441 (2) of the *Municipal Act, 2001* is amended by striking out “including any extension of time for payment ordered under that section” and substituting “including any extension of time for payment under section 66 or 66.0.1 of that Act”.**

*Safer School Zones Act, 2017*

**29 (1) Section 7 of the *Safer School Zones Act, 2017*, which amends the *Highway Traffic Act*, is repealed.**

**(2) Subsection 8 (4) of the Act, which amends the *Highway Traffic Act*, is repealed.**

**(3) Subsection (1) only applies if section 7 of the Act is not in force on the day subsection 27 (4) of this Schedule comes into force.**

(4) Subsection (2) only applies if subsection 8 (4) of the Act is not in force on the day subsection 27 (7) of this Schedule comes into force.

**Commencement**

**30 (1)** Subject to subsections (2), (3) and (4), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

(2) Sections 2 to 7, 11 to 16, subsection 18 (1) and sections 26 to 28 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsections 29 (1) and (3) come into force on the day subsection 27 (4) comes into force.

(4) Subsections 29 (2) and (4) come into force on the day subsection 27 (7) comes into force.

**SCHEDULE 36  
REGISTERED INSURANCE BROKERS ACT**

**1 (1)** Subsection 5 (2) of the *Registered Insurance Brokers Act* is amended by striking out “subject to the continuing jurisdiction of the Corporation in respect of any disciplinary action arising out of his or her conduct while a member” at the end.

**(2)** Subsection 5 (3) of the Act is amended by striking out “subject to the continuing jurisdiction of the Corporation” at the end.

**2** The Act is amended by adding the following section:

**Continuing jurisdiction**

**Former member**

**5.1 (1)** An individual who resigns as a member of the Corporation or whose membership expires or is revoked, cancelled or otherwise terminated remains subject to the continuing jurisdiction of the Corporation in respect of an investigation or disciplinary proceeding arising from his or her conduct while a member.

**Suspended member**

**(2)** A member whose membership is suspended remains subject to the continuing jurisdiction of the Corporation for all purposes under this Act.

**3** Clause 11 (1) (q.8) of the Act is repealed.

**4 (1)** Subsection 14 (5) of the Act is amended by striking out “under sections 15 and 16 of the *Statutory Powers Procedure Act*” at the end and substituting “under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*”.

**(2)** Subsection 14 (6) of the Act is amended by striking out “subsections 19 (2), (3), (4), (5), (7) and (8)” and substituting “subsections 19 (2), (3), (5), (7) and (8)”.

**5 (1)** Subsection 19 (4) of the Act is repealed.

**(2)** Subsection 19 (6) of the Act is repealed and the following substituted:

**Findings of fact**

**(6)** The findings of fact of the Discipline Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

**Commencement**

**6** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

## SCHEDULE 37 SECURITIES ACT

**1 The definition of “rules” in subsection 1 (1) of the *Securities Act* is repealed and the following substituted:**

“rules” means the rules made under section 143; (“règles”)

**2 Section 1.1 of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:**

- (c) to contribute to the stability of the financial system and the reduction of systemic risk.

**3 (1) Subsection 19 (1) of the Act is amended by adding the following paragraph:**

- 4. Such books, records and other documents as may be prescribed by the regulations for the purpose of detecting, identifying or mitigating systemic risks related to the capital markets.

**(2) Subsection 19 (3) of the Act is repealed and the following substituted:**

**Provision of information to Commission**

(3) Every market participant shall, at the time and in the form specified by the Commission or by any member, employee or agent of the Commission, deliver to the Commission,

- (a) any of the books, records and other documents required to be kept by subsection (1); and
- (b) except where prohibited by law, any filings, reports or other communications made to any other regulatory agency whether within or outside of Ontario.

**4 Subsection 35 (4) of the Act is repealed.**

**5 Subsection 73.2 (3) of the Act is repealed.**

**6 (1) The English version of clause 87 (a) of the Act is repealed and the following substituted:**

- (a) a ballot is demanded by any security holder present at the meeting in person or represented thereat by proxy;

**(2) Section 87 is amended by adding “or” at the end of clause (b) and by adding the following clause:**

- (c) the circumstances prescribed by the regulations exist.

**7 Section 121.5 of the Act is amended by adding the following subsections:**

**Actions relating to reprisal**

(4) Where a person or company, or a person acting on behalf of a person or company, has taken a reprisal against an employee in contravention of subsection (1), without limiting the actions the employee may otherwise take, the employee may either,

- (a) make a complaint to be dealt with by final and binding settlement by arbitration under a collective agreement; or
- (b) if final and binding settlement by arbitration under a collective agreement is not available, bring an action in the Superior Court of Justice.

**Burden of proof**

(5) In an arbitration or action under subsection (4), the burden of proof that the person or company did not take a reprisal against an employee in contravention of subsection (1) lies on that person or company.

**Remedies**

(6) An arbitrator or the court hearing a complaint or action under subsection (4) may order one or more of the following remedies:

1. The employee’s reinstatement, with the same seniority status that the employee would have had if the contravention had not occurred.
2. Payment to the employee of two times the amount of remuneration the employee would have been paid by the employer if the contravention had not taken place between the date of the contravention and the date of the order, with interest.

**Definition of remuneration**

(7) In subsection (6),

“remuneration” includes all payments, benefits and allowances received or deemed to be received by an individual that, by reason of section 5, 6 or 7 of the *Income Tax Act* (Canada), are required to be included in the income of the individual for the purposes of that Act and, without limiting the generality of the foregoing, includes salaries and wages, bonuses, taxable

allowances and commissions and other similar amounts fixed by reference to the volume of sales made or contracts negotiated.

**8 Subsection 127 (8) of the Act is amended by striking out “paragraph 2 or 2.1 of subsection (1)” and substituting “paragraph 1, 2, 2.1 or 3 or subparagraph 5 ii of subsection (1)”.**

**9 Subsection 143 (1) of the Act is amended by adding the following paragraph:**

26.1 Prescribing, for meetings of the security holders of a reporting issuer,

- i. requirements for voting by proxy or otherwise,
- ii. circumstances in which a vote of security holders must be done by way of ballot,
- iii. requirements relating to communication with registered, legal and beneficial owners of securities, including requirements relating to depositories, registrants or other persons that hold securities on behalf of beneficial owners, and
- iv. requirements relating to entities involved in, or activities and practices relating to, the solicitation, collection, submission, tabulation and validation of proxy votes and voting instructions.

**10 Section 143.1 of the Act is repealed.**

**11 Subsection 143.2 (5) of the Act is amended by adding “or” at the end of clause (c), by striking out “or” at the end of clause (d) and by striking out clause (e).**

**12 The Schedule to the Act is repealed.**

#### **Commencement**

**13 (1) Subject to subsection (2), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) Sections 4 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 38**  
**SERVICES AND SUPPORTS TO PROMOTE THE SOCIAL INCLUSION OF PERSONS WITH**  
**DEVELOPMENTAL DISABILITIES ACT, 2008**

**1** The French version of subsection 28 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* is amended by adding “sans mandat” after “pénétrer”.

**2** Section 44 of the Act is repealed.

**3 (1)** Section 64 of the Act is amended by adding “Subject to subsection (2),” at the beginning.

**(2)** Section 64 of the Act is amended by adding the following subsection:

**(2)** The following provisions come into force on July 1, 2023:

1. Subsection 7 (3).
2. Subsections 8 (3), (4), (7) and (8).
3. Sections 11, 18, 19, 20 and 21.
4. Subsections 42 (3) and (4).
5. Subsections 43 (4) and (5).

**Commencement**

**4** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

**SCHEDULE 39**  
**SUPPLEMENTARY INTERIM APPROPRIATION FOR 2017-2018 ACT, 2017**

**Interpretation**

**1** Expressions used in this Act have the same meaning as in the *Financial Administration Act* unless the context requires otherwise.

**Additional amounts to be paid or recognized**

**2** All amounts authorized under sections 3, 4 and 5 to be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses or non-cash investments are in addition to the amounts authorized to be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses or non-cash investments under sections 2, 3 and 4 of the *Interim Appropriation for 2017-2018 Act, 2016*.

**Expenses of the public service**

**3** Pending the voting of supply for the fiscal year ending on March 31, 2018, amounts not exceeding a total of \$4,291,428,500 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

**Investments of the public service**

**4** Pending the voting of supply for the fiscal year ending on March 31, 2018, amounts not exceeding a total of \$699,000,500 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

**Expenses of the Legislative Offices**

**5** Pending the voting of supply for the fiscal year ending on March 31, 2018, amounts not exceeding a total of \$32,394,900 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for.

**Charge to proper appropriation**

**6** All expenditures made or recognized under this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2018.

**Commencement**

**7** The Act set out in this Schedule is deemed to have come into force on April 1, 2017.

**Short title**

**8** The short title of the Act set out in this Schedule is the *Supplementary Interim Appropriation for 2017-2018 Act, 2017*.



**SCHEDULE 40  
TAXATION ACT, 2007**

**1 (1) Subparagraph 7 i of section 8 of the *Taxation Act, 2007* is amended by striking out “(6), (7)” and substituting “(6), (6.1), (7), (7.1)”.**

**(2) Subparagraph 9 i of section 8 of the Act is amended by striking out “(6), (7)” and substituting “(6), (6.1), (7), (7.1)”.**

**2 (1) Subsection 9 (5) of the Act is amended by adding “ending before January 1, 2017” after “taxation year”.**

**(2) Subsection 9 (6) of the Act is amended by adding “ending before January 1, 2017” after “taxation year”.**

**(3) Section 9 of the Act is amended by adding the following subsection:**

**Tax credit for adult dependant**

(6.1) If an individual is entitled to a deduction under paragraph 118 (1) (d) of the Federal Act for a taxation year ending after December 31, 2016 in respect of a person described in clause 118 (1) (d) (ii) (B) of that Act, the individual is entitled to an Ontario caregiver tax credit for the year in respect of the person calculated using the formula,

$$A \times (\$21,195 - E.1)$$

in which,

“A” is the lowest tax rate for the year, and

“E.1” is the greater of the person’s income for the year and \$16,401.

**(4) Subsection 9 (7) of the Act is amended by adding “ending before January 1, 2017” after “taxation year”.**

**(5) Section 9 of the Act is amended by adding the following subsection:**

**Additional tax credit for infirm dependant, 2017 and subsequent taxation years**

(7.1) If an individual is entitled to a deduction under paragraphs 118 (1) (b) and (e) of the Federal Act for a taxation year ending after December 31, 2016 in respect of a person, the individual is entitled to a tax credit for the year in respect of the person calculated using the formula,

$$F.1 - G.1$$

in which,

“F.1” is the individual’s tax credit that would be determined for the year in respect of the person under subsection (6.1), if paragraph 118 (4) (c) of the Federal Act did not apply for the purposes of subsection 118 (1) of that Act, and

“G.1” is the individual’s tax credit determined for the year in respect of the person under subsection (4).

**(6) The definition of “P” in subsection 9 (13) of the Act is amended by striking out “(6), (7)” and substituting “(6), (6.1), (7), (7.1)”.**

**(7) Clause 9 (14) (a) of the Act is amended by striking out “(6), (7)” and substituting “(6), (6.1), (7), (7.1)”.**

**(8) Clause (b) of the definition of “BB” in subsection 9 (17) of the Act is amended by striking out “(6), (7)” and substituting “(6), (6.1), (7), (7.1)”.**

**(9) The definition of “DD” in subsection 9 (19) of the Act is amended by striking out “(6), (7)” and substituting “(6), (6.1), (7), (7.1)”.**

**3 Clause 19.1 (a) of the Act is repealed and the following substituted:**

(a) 29.5 per cent of any amount required under subparagraph 82 (1) (b) (i) of the Federal Act to be included in computing the individual’s income for the year, if the year ends before January 1, 2018;

(a.1) 22.6175 per cent of any amount required under subparagraph 82 (1) (b) (i) of the Federal Act to be included in computing the individual’s income for the year, if the year ends after December 31, 2017; and

**4 (1) Clause 20 (7) (a) of the Act is amended by striking out “(6)” and substituting “(6), (6.1)”.**

**(2) Clause 20 (7) (b) of the Act is amended by striking out “subsection 9 (5) or (6)” and substituting “subsection 9 (5), (6) or (6.1)”.**

**(3) Subsection 20 (8) of the Act is amended by striking out “subsection 9 (6) or (13)” wherever it appears and substituting in each case “subsection 9 (6), (6.1) or (13)”.**

**5 Subsection 23 (1) of the Act is amended by adding the following paragraph:**

2.1 Subsection 9 (6.1) with respect to taxation years ending after December 31, 2017.

**6 (1) Subsection 31 (1) of the Act is repealed and the following substituted:**

**Ontario small business deduction**

(1) A corporation may, in computing the amount of its tax payable under this Division for a taxation year, deduct an Ontario small business deduction if it has made a deduction under section 125 of the Federal Act for the year.

**(2) Clause 31 (4) (c) of the Act is repealed and the following substituted:**

- (c) 7 per cent multiplied by the ratio of the number of days in the taxation year that are after June 30, 2011 and before January 1, 2018 to the total number of days in the taxation year; and
- (d) 8 per cent multiplied by the ratio of the number of days in the taxation year that are after December 31, 2017 to the total number of days in the taxation year.

**7 (1) Clause (b) of the definition of “B” in section 35 of the Act is amended by striking out “exceeds its preferred-rate amount at the end of its previous taxation year, as determined under that section” at the end and substituting “exceeds the amount described in subsection (2)”.**

**(2) Section 35 of the Act is amended by adding the following subsection:**

**Same**

(2) For the purposes of clause (b) of the definition of “B” in subsection (1), the amount is the amount that would be the corporation’s preferred-rate amount at the end of its previous taxation year under subsection 137 (4.3) of the Federal Act if paragraph (f) in the description of C in subsection 137 (3) of the Federal Act were read as “the proportion of 100% that the number of days in the year that are after December 31, 2016 is of the number of days in the year”.

**8 Paragraph 2 of subsection 89 (7) of the Act is repealed and the following substituted:**

- 2. The taxpayer, or the taxpayer acting through a union or a local or joint apprenticeship committee, and the apprentice are participating in an apprenticeship program,
  - i. in which the training agreement has been registered under the *Ontario College of Trades and Apprenticeship Act, 2009* or the *Apprenticeship and Certification Act, 1998* or in which the contract of apprenticeship has been registered under the *Trades Qualification and Apprenticeship Act*, and
  - ii. that commenced on or before November 14, 2017.

**9 (1) The definition of “eligible public transit pass” in subsection 103.0.1 (1) of the Act is amended by striking out “an unlimited number of occasions” and substituting “more than one occasion”.**

**(2) The definition of “B” in subsection 103.0.1 (3) of the Act is repealed and the following substituted:**

“B” is the total of all amounts each of which is the portion of the cost of any of the items listed in subsection (4) that,

- (a) was paid for by the individual, and
- (b) is attributable to the individual’s use of Ontario public transit services during the period described in subsection (5),

**10 (1) Subsection 103.1.2 (3) of the Act is amended by striking out “the date prescribed by the Minister of Finance” and substituting “December 31, 2013”.**

**(2) Subsection 103.1.2 (4) of the Act is amended by striking out “the date prescribed by the Minister of Finance” and substituting “December 31, 2013”.**

**Revocation**

**11 Ontario Regulation 193/14 is revoked.**

**Commencement**

**12 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 41  
TAXPAYER PROTECTION ACT, 1999**

**1 Section 2 of the *Taxpayer Protection Act, 1999* is amended by adding the following subsection:**

**Same**

(4.2) Subsection (4) does not apply to a regulation made under the *Provincial Land Tax Act, 2006* that increases the average tax rate under that Act if the regulation is made on or after the day Schedule 41 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and before July 1, 2018.

**Commencement**

**2 This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**SCHEDULE 42  
TOBACCO TAX ACT**

**1 (1) Subsection 1 (1) of the *Tobacco Tax Act* is amended by adding the following definition:**

“cigarette filter components” means any things that can be used to make cigarette filters and that are prescribed under clause 41 (2) (0.a); (“composants de filtre de cigarette”)

**(2) The definition of “reserve” in subsection 1 (1) of the Act is amended by striking out “the Department of Indian and Northern Affairs” and substituting “Indigenous and Northern Affairs Canada”.**

**2 Subsections 7.0.1 (11) and (12) of the Act are repealed.**

**3 (1) Subsection 11 (1) of the Act is amended by adding the following clause:**

(b.1) the person fails to satisfy the Minister of the person’s ability to comply with this Act and the regulations;

**(2) Clause 11 (2) (c) of the Act is amended by striking out “or” at the end of subclause (i) and by adding the following subclause:**

(i.1) has been convicted of an offence under this Act or an offence under federal or provincial legislation in relation to tobacco, or

**4 Section 13.5 of the Act is amended by adding the following subsections:**

**Agreements, regulations re manufacture, sale or transportation on reserve**

(5) If an arrangement or agreement under subsection (1) relates to the manufacturing, sale or transportation of tobacco on a reserve or the transportation of tobacco onto or off of a reserve, the Lieutenant Governor in Council may make regulations,

- (a) respecting the manufacture, sale or transportation of tobacco on the reserve or the transportation of tobacco onto or off of a reserve, including, in a manner consistent with subsection (6), providing that rules established by the council of the band apply on the reserve;
- (b) exempting a person to whom a regulation described in clause (a) applies from the application of a provision of this Act or the regulations or modifying the application of a provision of this Act or the regulations to that person, subject to any conditions or limitations;
- (c) exempting tobacco to which a regulation described in clause (a) applies from the application of a provision of this Act or the regulations or modifying the application of a provision of this Act or the regulations to that tobacco, subject to any conditions or limitations.

**Access to rules established by council of the band**

(6) A regulation under clause (5) (a) that provides that rules established by the council of the band apply on the reserve shall either contain the rules or incorporate them by reference.

**5 The Act is amended by adding the following section:**

**Records to be kept, cigarette filter components**

**22.3** (1) Every person described in paragraph 1 of subsection 7.0.1 (1) shall keep in the person’s principal place of business in Ontario records and books in the form and containing the information that will enable the accurate determination of the quantity of cigarette filter components imported, sold or delivered by or in the possession of the person.

**Same**

(2) Every person described in paragraph 1 of subsection 7.0.1 (1) shall maintain the records and books, as well as any other document necessary to verify the information in the records and books, for a period of seven years following the end of the person’s fiscal year to which the records and books relate, unless written permission for their disposal is received from the Minister.

**Offence**

(3) Every person who fails to comply with subsection (2) is guilty of an offence and, on conviction, is liable to a fine of not less than \$1,000 and not more than \$25,000.

**Penalty**

(4) Every person who fails to comply with subsection (2) shall pay a penalty to the Minister, when assessed for it, of \$1,000.

**6 (1) Clause 23 (1) (a) of the Act is repealed and the following substituted:**

- (a) audit or examine any books and records and any account, voucher, letter, telegram or other document that relates or may relate to,
  - (i) the tax imposed by this Act,

(ii) raw leaf tobacco that was produced, processed, sold, purchased, imported or exported, or

(iii) cigarette filter components that were imported, sold or delivered or that are or were in the possession of a person;

**(2) Subsection 23 (1) of the Act is amended by striking out “and” at the end of clause (b.1) and by adding the following clause:**

(b.2) examine any cigarette filter components that may be in the premises or place; and

**7 Subsection 41 (2) of the Act is amended by adding the following clause:**

(0.a) prescribing things that can be used to make cigarette filters for the purposes of the definition of “cigarette filter components” in subsection 1 (1);

#### **Commencement**

**8 (1) Subject to subsection (2), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) Subsection 1 (1) and sections 2, 5, 6 and 7 of this Schedule come into force on January 1, 2018.**

**SCHEDULE 43**  
**UNIVERSITÉ DE L'ONTARIO FRANÇAIS ACT, 2017**

**CONTENTS**

Preamble

**PART I**  
**DEFINITIONS**

1. Definitions

**PART II**  
**ESTABLISHMENT**

2. University established  
 3. Special mission  
 4. Objects  
 5. Official language  
 6. Powers  
 7. Certificates and diplomas  
 8. Affiliation

**PART III**  
**BOARD OF GOVERNORS**

9. Board of governors composition  
 10. Term of office  
 11. Loss of eligibility  
 12. Re-election, reappointment  
 13. Vacancies  
 14. Quorum  
 15. Chair, vice-chair  
 16. Standard of conduct  
 17. Conflict of interest  
 18. Powers and duties of board  
 19. First board  
 20. First senate

**PART IV**  
**SENATE**

21. Senate composition  
 22. Senate election  
 23. Term of office  
 24. Loss of eligibility  
 25. Re-election, reappointment  
 26. Vacancies  
 27. Chair, vice-chair  
 28. Quorum  
 29. Powers of senate

**PART V**  
**CHANCELLOR AND PRESIDENT**

30. Chancellor  
 31. President

**PART VI**  
**ADMINISTRATION**

32. Meetings open to public  
 33. By-laws  
 34. Property  
 35. Investments  
 36. Borrowing  
 37. Audits and reports

**PART VII**  
**AMENDMENTS, COMMENCEMENT AND SHORT TITLE**

38. Amendments to the Act  
 39. Commencement  
 40. Short title

**Preamble**

The French language is an historic and honoured language in Ontario. The establishment of a university with a mission to serve the French-speaking community will help to promote a strong, vibrant, inclusive Francophone culture that further enriches civic life in Ontario.

## PART I DEFINITIONS

### Definitions

**1** In this Act,

“board” means the board of governors of the University; (“conseil”)

“Minister” means the Minister of Advanced Education and Skills Development or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“property” includes real and personal property; (“biens”)

“senate” means the senate of the University; (“sénat”)

“teaching staff” means professors, associate professors, assistant professors, lecturers, associates, instructors, tutors and all others employed to do the work of teaching or giving instruction and includes persons employed to do research at the University; (“corps professoral”)

“University” means the university established under section 2. (“Université”)

## PART II ESTABLISHMENT

### University established

**2** (1) A university to be known as the Université de l’Ontario français is hereby established.

### Corporation without share capital

(2) The University is a corporation without share capital and shall consist of the members of its board.

### Conflicts

(3) In the event of a conflict between a provision of this Act and a provision of the *Corporations Act*, the provision of this Act prevails.

### University name change

(4) The Minister may, by regulation and with the consent of the board, change the name of the University.

### Special mission

**3** It is the special mission of the University to offer a range of university degrees and education in French to promote the linguistic, cultural, economic and social well-being of its students and of Ontario’s French-speaking community.

### Objects

**4** The objects of the University are,

- (a) the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression;
- (b) the provision of French-language undergraduate and graduate university programs that are innovative and respond to the needs of students, the community and employers, and that advance the values of pluralism and inclusiveness; and
- (c) to support governance by and for the French-speaking community by conducting the affairs of the University in French.

### Official language

**5** (1) The official language of the university is French.

### Proficiency in French

(2) The following persons shall each be proficient in French:

- 1. The president of the University.
- 2. The registrar of the University.
- 3. Every officer and employee of the University who reports directly to the president.
- 4. Every person appointed by the board to be the head of a faculty, school, institute or department of the University.
- 5. Every member of the board.
- 6. Every member of the senate.

**Same**

(3) The board may determine, by by-law, the standard of French proficiency required for the purposes of subsection (2).

**University to provide services in French**

(4) The University shall provide its services in French.

**Exception**

(5) Subsection (4) does not apply to the provision of a course or other academic service where the nature of the course or service requires the use of another language for its effective provision.

**Powers**

**6** The University has all the powers necessary and incidental to its objects.

**Certificates and diplomas**

**7** The University may award certificates and diplomas in arts, science and commerce.

**Affiliation**

**8** The University may contract, affiliate or federate with other universities, colleges, research institutions and institutions of learning on such terms and for such periods of time as the board may determine.

### **PART III BOARD OF GOVERNORS**

**Board of governors composition**

**9** (1) There shall be a board of governors of the University composed of the following members:

1. The following internal members:
  - i. The president of the University, who shall be a member by virtue of office.
  - ii. One person appointed by the president of the University from among the vice-presidents or other senior officers of the University.
  - iii. Three persons elected by the teaching staff from among themselves.
  - iv. Two students elected by the students of the University from among themselves.
  - v. Two persons elected by the non-teaching employees of the University from among themselves.
2. The following external members, who shall not be students, members of the teaching staff or non-teaching employees of the University:
  - i. The chancellor of the University, if one is appointed, who shall be a member by virtue of office.
  - ii. Three persons appointed by the Lieutenant Governor in Council.
  - iii. Nine other persons who shall be appointed by the board.

**By-laws, elections and appointments**

(2) The board shall by by-law determine,

- (a) the procedures to be followed in the election of members referred to in subparagraphs 1 iii, iv and v of subsection (1); and
- (b) the eligibility requirements for the election or appointment, as the case may be, to the board of members referred to in subparagraphs 1 iii, iv, v and 2 iii of subsection (1).

**Limitation on board composition**

(3) A majority of the members of the board shall be composed of external members referred to in paragraph 2 of subsection (1).

**Board to conduct itself in French**

(4) The board shall conduct its business in French.

**Term of office**

**10** The term of office for a member of the board is the following:

1. For a member of the board who is a student, one year.
2. For a member of the board who is appointed by the Lieutenant Governor in Council, three years.



3. For any other elected or appointed member of the board, no more than three years, as determined by the by-laws of the board.

#### **Loss of eligibility**

**11** (1) If, during his or her term of office, a member of the board elected or appointed under subparagraph 1 ii, iii, iv, v, 2 ii or iii of subsection 9 (1) ceases to be eligible for election or appointment to the board under that subparagraph, he or she ceases to be a member of the board.

#### **Exception, student graduation**

(2) Despite subsection (1), if a student member of the board graduates during his or her term of office, he or she may continue to sit as a member of the board for the remainder of the one-year term.

#### **Re-election, reappointment**

**12** (1) Subject to subsection (2), a member of the board is eligible for reappointment or re-election.

#### **Limitations**

(2) The following limitations apply with respect to appointments or elections to the board:

1. A member who has served on the board in the capacity of chancellor of the University, president of the University or as an appointee of the president under subparagraph 1 ii of subsection 9 (1) is not eligible for subsequent appointment or election to the board.
2. A member may not be reappointed or re-elected to the board if he or she has already served as a member of the board, including as a member of the first board, for a total of six years.
3. A member may only be reappointed or re-elected to the board for a term that, in combination with the member's past service, including as a member of the first board, does not exceed a total of six years.

#### **Exception**

(3) Despite paragraphs 2 and 3 of subsection (2), a member may be appointed as president or chancellor of the University or as an appointee of the president under subparagraph 1 ii of subsection 9 (1) regardless of whether, as a result of such appointment, they will exceed six years of service on the board.

#### **Vacancies**

**13** (1) A vacancy on the board occurs if,

- (a) a member resigns or ceases to be eligible for appointment or election to the board before the end of his or her term;
- (b) a member is incapable of continuing to act as a member and the board, by resolution, declares the membership to be vacated; or
- (c) the board, by resolution, declares a membership to be vacated for failure to attend sufficient meetings, as provided in the by-laws of the board.

#### **Same**

(2) If a vacancy occurs on the board, the vacancy shall be filled immediately in accordance with the same procedures that would apply had the outgoing member completed their full term.

#### **Same**

(3) The term of office for a member who fills a vacancy is the full term determined under section 10.

#### **Quorum**

**14** At a meeting of the board, a quorum is constituted if,

- (a) a majority of the current members of the board are present at the meeting; and
- (b) a majority of members present at the meeting are external members referred to in paragraph 2 of subsection 9 (1).

#### **Chair, vice-chair**

**15** (1) The board shall elect annually a chair and at least one vice-chair from among its members who are external members referred to in paragraph 2 of subsection 9 (1) and shall fill any vacancy in the office of chair or vice-chair from among such members.

#### **Duties**

(2) The chair shall preside over the meetings of the board and if the chair is unable to act or if the position is vacant, a vice-chair shall act in his or her place and, if both the chair and vice-chair are unable to act, the board may appoint a member who is an external member referred to in paragraph 2 of subsection 9 (1).

### **Standard of conduct**

**16** Every member of the board shall exercise the powers and carry out the duties of his or her office diligently, honestly, in good faith, in the best interests of the University and in accordance with any other criteria set out in the by-laws of the board.

### **Conflict of interest**

**17** (1) A member of the board or of a committee created by the board who has a conflict of interest, as defined in the board's by-laws or in any conflict of interest policies that the board may adopt, as the case may be, with a matter in which the University is concerned shall,

- (a) declare his or her interest as soon as possible and no later than at the first meeting at which the matter is to be considered; and
- (b) if required by the board's by-laws or policies, withdraw from the meeting during the discussion of the matter and not vote on the matter.

### **Exception, employee**

(2) Despite subsection (1), a member of the board who is also a member of the teaching staff or a non-teaching employee of the University may take part in discussing and voting on issues concerning general conditions of employment for University employees, unless the discussion and voting deals with the circumstances of the particular employee as an isolated issue, separate and apart from consideration of other employees.

### **Exception, student**

(3) Despite subsection (1), a member of the board who is also a student may take part in discussing and voting on issues concerning students generally, unless such discussion and voting deals with the circumstances of the particular student as an isolated issue, separate and apart from consideration of other students.

### **Powers and duties of board**

**18** (1) Except for matters specifically assigned to the senate under section 29, the board is responsible for governing and managing the affairs of the University and has the necessary powers to do so, including the power,

- (a) to determine the mission, vision and values of the University in a manner that is consistent with the special mission and objects of the University set out in sections 3 and 4;
- (b) to appoint and remove a chancellor;
- (c) to appoint and remove the president;
- (d) to establish faculties, schools, institutes and departments and appoint the heads thereof;
- (e) to appoint, promote, suspend and remove members of the teaching staff and non-teaching employees of the University, subject to subsection (2);
- (f) to fix the number, duties and salaries and other benefits of the teaching staff and of the non-teaching employees of the University;
- (g) to appoint committees and assign or delegate to them such duties and responsibilities as may be provided in the by-laws adopted by the board, including authorizing them to act on behalf of the board in the matters specified in the by-laws;
- (h) to approve the annual budget of the University and to monitor its implementation;
- (i) to establish and collect fees and charges for tuition and other services that may be offered by the University or that may be approved by the board on behalf of any organization or group of the University;
- (j) to regulate the conduct of students, staff and all persons who use the property of the University, including denying any person access to the property;
- (k) to define, for the purposes of the by-laws adopted by the board, the terms staff, manager, professor, associate professor, assistant professor, lecturer, associate, instructor and tutor;
- (l) to conclusively determine which body within the University has jurisdiction over any matter; and
- (m) to make by-laws, resolutions and rules for the conduct of its affairs.

### **Limitation**

(2) The board shall not appoint, promote, suspend or remove a member of the teaching staff or a non-teaching employee of the University, except on the recommendation of the president of the University who shall be governed by the terms of any applicable commitments and practices of the University.

**First board**

**19** (1) Despite sections 9 to 14, the Minister may, by regulation,

- (a) appoint the first board;
- (b) appoint a person to fill any vacancy that arises in the first board;
- (c) specify the terms of office for each member of the first board;
- (d) specify the manner of transition between the first board and the board constituted under section 9; and
- (e) determine any other matter in relation to the first board or the transition to the board constituted under section 9.

**Same**

(2) In the event of a conflict between a regulation made under subsection (1) and this Act, the regulation prevails.

**First senate**

**20** Until a senate is constituted in accordance with section 21 and conducts its first meeting, the board may exercise the powers of the senate, including the power to make senate by-laws.

**PART IV  
SENATE**

**Senate composition**

**21** (1) There shall be a senate of the University composed of not more than 40 members, including the following members:

1. The following persons who are members by virtue of their office:
  - i. The president of the University.
  - ii. The vice-president, academic of the University.
  - iii. The dean of each faculty.
  - iv. The registrar of the University.
2. Not less than two and not more than one-fifth of the total size of the senate, as set out in senate by-laws, elected by the students of the University from among themselves.
3. Such number of persons, as set out in senate by-laws, elected by the teaching staff from among themselves.
4. One person, other than the president or chancellor of the University, appointed by the board from among the board members.
5. Such other persons, other than the chancellor of the University, as may be determined by senate by-law.

**By-laws, elections and appointments**

(2) The senate shall by by-law determine,

- (a) the procedures to be followed in the election of members of the senate;
- (b) the eligibility requirements for the election or appointment, as the case may be, to the senate of members referred to in paragraphs 2, 3 and 5 of subsection (1);
- (c) the number of persons to be appointed under paragraphs 2, 3 and 5 of subsection (1); and
- (d) the constituencies for each of the groups referred to in paragraphs 2 and 3 of subsection (1).

**Limitation on senate composition**

(3) A majority of the members of the senate shall be composed of persons who are members pursuant to paragraphs 1 and 3 of subsection (1).

**First meeting**

(4) The senate shall not conduct its first meeting until the members referred to in paragraph 3 of subsection (1) have been elected.

**Senate to conduct itself in French**

(5) The senate shall conduct its business in French.

**Senate election**

**22** The senate shall conduct the election of its elected members and shall determine any dispute as to the eligibility of a candidate at such election or as to a person's entitlement to vote at the election.

**Term of office**

**23** The term of office for an elected or appointed member of the senate shall be,

- (a) not more than three years, as determined by the by-laws of the senate; or
- (b) if a by-law referred to in clause (a) is not made, one year.

**Loss of eligibility**

**24** (1) If, during his or her term of office, a member of the senate elected or appointed under paragraph 2, 3, 4 or 5 of subsection 21 (1) ceases to be eligible for election or appointment to the senate under the same paragraph, he or she thereby ceases to be a member of the senate.

**Exception, student graduation**

(2) Despite subsection (1), if a student member of the senate graduates during his or her term of office, he or she may continue to sit as a member of the senate until the next anniversary of the day of his or her election.

**Re-election, reappointment**

**25** (1) Subject to subsection (2), a member of the senate is eligible for re-election or reappointment.

**Limitations**

(2) The senate may, by by-law, establish any limitations with respect to the re-election or reappointment of a member of the senate.

**Vacancies**

**26** (1) A vacancy on the senate occurs if,

- (a) a member resigns or ceases to be eligible for appointment or election to the senate before the end of his or her term;
- (b) a member is incapable to continue to act as a member and the senate, by resolution, declares the membership to be vacated; or
- (c) such circumstances as may be specified in a by-law of the senate exist.

**Same**

(2) If a vacancy occurs on the senate, the senate shall,

- (a) determine, in accordance with its by-laws, whether or not to fill the vacancy; and
- (b) if the vacancy is to be filled, fill the vacancy within the time period, and according to the procedures, provided in the by-laws of the senate.

**Completion of term**

(3) The person who fills a vacancy on the senate under subsection (2) shall hold office for the remainder of the term of the member he or she is replacing.

**Chair, vice-chair**

**27** The president of the University shall be the chair of the senate, and the vice-president, academic of the University shall be the vice-chair, and if the chair or vice-chair is unable to act, another member of the senate, as determined by the by-laws, shall act temporarily in his or her place.

**Quorum**

**28** At a meeting of the senate, a quorum is constituted if,

- (a) a majority of the current members of the senate are present at the meeting; and
- (b) a majority of members present at the meeting are members referred to in paragraphs 1 and 3 of subsection 21 (1).

**Powers of senate**

**29** The senate has, subject to the approval of the board, with respect to the expenditure of funds, the power to determine and regulate the educational policy of the University and, without limiting the generality of the foregoing, has the power,

- (a) to make recommendations to the board with respect to the establishment, change or termination of programs and courses of study, schools, faculties, divisions and departments;
- (b) to make recommendations to the board with respect to terms in affiliation or federation agreements referred to in section 8 that relate to academic matters;
- (c) to determine the curricula of all programs and courses of study, the standards of admission to the University and continued registration therein, and the qualifications for degrees, diplomas and certificates of the University;

- (d) to conduct examinations, appoint examiners and decide all matters relating thereto;
- (e) to hear and determine appeals from the decisions of the faculty councils on examinations and on applications for admission;
- (f) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (g) to authorize the chancellor, the vice-chancellor or such other person as may be determined by the senate, to confer degrees, honorary degrees, diplomas and certificates on behalf of the University;
- (h) to create councils and committees to exercise its powers; and
- (i) to make by-laws for the conduct of its affairs, including by-laws respecting the conduct of the election of its members.

## **PART V CHANCELLOR AND PRESIDENT**

### **Chancellor**

**30** (1) The board may, in its discretion, decide to appoint a chancellor of the University.

### **Appointment committee**

(2) If the board decides to appoint a chancellor, it shall establish an appointment committee to make recommendations as to the person to be appointed chancellor.

### **Same**

(3) The appointment committee shall be composed of such members of the board and senate as may be determined by the by-laws of the board.

### **Appointment**

(4) The board shall take into consideration the recommendation of the appointment committee when appointing a chancellor.

### **Term of office**

(5) If appointed, the chancellor shall hold office for five years, or a shorter term as specified in the appointment.

### **Limitation on reappointment**

(6) The chancellor may not serve more than two terms, whether or not they are served consecutively.

### **Vice-chancellor**

(7) If a chancellor is appointed under subsection (1), the president shall be the vice-chancellor of the University.

### **Duties**

(8) The chancellor is the titular head of the University and, when authorized by the senate to do so, shall confer all degrees, honorary degrees, certificates and diplomas on behalf of the University.

### **President**

**31** (1) There shall be a president of the University appointed by the board in such manner and for such term as the board shall determine.

### **Powers and duties**

(2) The president is the chief executive officer of the University and has supervision over and direction of the academic and general administration of the University, its students, managers, teaching staff and non-teaching employees and such other powers and duties as may be conferred upon or assigned to him or her by the board.

## **PART VI ADMINISTRATION**

### **Meetings open to public**

**32** (1) Subject to subsection (2), meetings of the board and of the senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in the manner provided in the by-laws of the board or senate.

### **Exclusion**

(2) The board or the senate, as the case may be, may meet in the absence of the public to discuss a matter of a personal nature concerning an individual or to discuss a confidential matter as determined in accordance with the by-laws of the board or senate.

**By-laws****By-laws in French**

**33** (1) The by-laws of the board and senate shall be published in French.

**By-laws available to public**

(2) The by-laws of the board and of the senate shall be open to examination by members of the public during normal business hours.

**Publication**

(3) The board and the senate shall publish their by-laws on the website of the University.

**Property**

**34** (1) The University may purchase or otherwise acquire, take by gift, devise or bequest and hold such property as the board considers necessary for the objects of the University and may mortgage, sell or otherwise dispose of the same as the board, in its absolute discretion, considers appropriate.

**Exemption from taxation**

(2) Land vested in the University and land and premises leased to and occupied by the University are exempt from provincial and municipal taxes and development charges, so long as the vested land or leased land and premises are actually used and occupied for the objects of the University.

**Protection from expropriation**

(3) Land vested in the University is not liable to be entered upon, used or taken by any person or corporation, and no power to expropriate land conferred after this Act comes into force shall extend to such land unless the statute conferring the power expressly provides otherwise.

**Use of property**

(4) The property and the revenue of the University shall be applied solely to achieving the objects of the University.

**Investments**

**35** The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the board, subject to any trusts or conditions affecting them, may be invested and reinvested in such investments as the board, in its absolute discretion, considers appropriate and, except where a trust instrument otherwise directs, such funds may be combined with trust money belonging to various trusts in the care of the board into a common trust fund.

**Borrowing**

**36** The University, if authorized by the by-laws of the board, may, on such terms and in such amounts as the board may approve,

- (a) borrow money and give security for money borrowed; and
- (b) issue or give bonds, debentures and obligations as security.

**Audits and reports**

**37** (1) The board shall appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the University at least once a year.

**Financial report**

(2) The University shall make a financial report annually to the Minister in such form and containing such information as the Minister may require.

**Other reports**

(3) The University shall submit to the Minister such other reports as the Minister may require in such form and containing such information as the Minister may require.

## PART VII AMENDMENTS, COMMENCEMENT AND SHORT TITLE

**Amendments to the Act**

**38** (1) Subsection 2 (3) of the Act is amended by striking out “*Corporations Act*” and substituting “*Not-for-Profit Corporations Act, 2010*”.

(2) Section 7 of the Act is repealed and the following substituted:

**Degrees, etc.**

**7** The University may confer degrees and honorary degrees and award certificates and diplomas in arts, science and commerce.

**(3) Section 7 of the Act is repealed and the following substituted:**

**Degrees, etc.**

**7** The University may confer degrees and honorary degrees and award certificates and diplomas in any and all branches of learning.

**Commencement**

**39 (1)** Subject to subsection (2), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**(2)** Subsection 38 (1) comes into force on the later of the day subsection 2 (3) comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

**Short title**

**40** The short title of the Act set out in this Schedule is the *Université de l'Ontario français Act, 2017*.

**SCHEDULE 44**  
**WINE CONTENT AND LABELLING ACT, 2000**

**1** Clause 3 (b) of the *Wine Content and Labelling Act, 2000* is amended by striking out “Liquor Control Board of Ontario” at the end and substituting “Registrar of Alcohol, Gaming and Racing under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*”.

**Commencement**

**2** This Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.



**SCHEDULE 45**  
**WORKPLACE SAFETY AND INSURANCE ACT, 1997**

**1 Section 13 of the *Workplace Safety and Insurance Act, 1997* is amended by adding the following subsection:**

**Personal injury**

(4.1) The worker is entitled to benefits under the insurance plan as if the mental stress were a personal injury by accident.

**2 The Act is amended by adding the following section:**

**Transition rules re mental stress**

**13.1** (1) The rules set out in subsections (2) to (9) apply for the purposes of determining entitlement to benefits under subsection 13 (4).

**New claim**

(2) If a worker's mental stress occurs on or after April 29, 2014 and the worker has not filed a claim in respect of entitlement to benefits for mental stress before January 1, 2018, the worker or the worker's survivor may file a claim for entitlement to benefits for mental stress with the Board and the Board shall decide the claim in accordance with subsection 13 (4) as it reads at the time the Board makes its decision.

**No refiling of claims**

(3) Subject to subsection (9), if a worker filed a claim for entitlement to benefits for mental stress and the claim was denied by the Board or by the Appeals Tribunal before January 1, 2018, the worker may not refile the claim under this section.

**Time limits**

(4) The time limits in subsections 22 (1) and (2) do not apply in respect of a claim that is filed under subsection (2) that is made in respect of mental stress that occurred on or after April 29, 2014 and before January 1, 2018.

**Same**

(5) A claim filed under subsection (2) that is made in respect of mental stress that occurred on or after April 29, 2014 and before January 1, 2018 must be filed on or before July 1, 2018.

**Pending claim**

(6) If a worker or a survivor has filed a claim for entitlement for mental stress within the time limits set out in subsection 22 (1) or 22 (2), or pursuant to an extension of time granted by the Board under subsection 22 (3), and the claim is pending before the Board on January 1, 2018, the Board shall decide the claim in accordance with subsection 13 (4) as it reads at the time the Board makes its decision, regardless of the date on which the worker's mental stress occurred.

**Same**

(7) For the purposes of subsection (6), a claim is pending on January 1, 2018 if,

- (a) the Board had not yet made a decision in respect of the claim by that day; or
- (b) the Board had not yet made a final decision in respect of the claim by that day.

**Pending appeal**

(8) If a worker or a survivor has filed a claim with the Board for entitlement to benefits for mental stress within the time limits set out in subsection 22 (1) or 22 (2), or pursuant to an extension of time granted by the Board under subsection 22 (3), and the claim is pending before the Appeals Tribunal on January 1, 2018, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with subsection 13 (4) as it reads at the time the Board makes its decision, regardless of the date on which the worker's mental stress occurred.

**Other appeal**

(9) If, on or after January 1, 2018 and within the time limit set out in subsection 125 (2), a worker or a survivor files a notice of appeal of a final decision of the Board made before January 1, 2018 regarding a claim for entitlement to benefits for mental stress with the Appeals Tribunal, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with subsection 13 (4) as it reads at the time the Board makes its decision, regardless of the date on which the worker's mental stress occurred.

**3 Subsection 146 (1) of the Act is amended by striking out "*Winding-Up Act (Canada)*" and substituting "*Winding-up and Restructuring Act (Canada)*".**

**4 The Act is amended by adding the following section:**

**Tribunal may contract**

**173.1** (1) The Appeals Tribunal may contract with any other person for any purpose that the chair considers necessary and the Appeals Tribunal is deemed to be a person for the purposes of the contract and is a party to the contract.

**Appointees, employees not parties to contract**

(2) Persons appointed to and employees of the Appeals Tribunal are not parties to a contract made pursuant to subsection (1) and no person with whom the Appeals Tribunal contracts may commence an action against them for breach of contract.

**Tribunal party to action**

(3) The Appeals Tribunal may commence an action against any person with whom it contracts and may be named as a party to an action commenced by a person with whom it contracts.

**Damages**

(4) Any damages or costs for which the Appeals Tribunal is found liable by a court in an action described in subsection (3) are operating costs of the Appeals Tribunal and shall be paid by the Board.

**Transition, prior contracts**

(5) Any contract that names the Appeals Tribunal as a party that was made before the day section 4 of Schedule 45 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and to which a person appointed to or an employee of the Appeals Tribunal is a signatory is deemed to be a contract into which the Appeals Tribunal has entered into as a person and to which the Appeals Tribunal is a party.

**5 Subsections 174 (3) to (5) of the Act are repealed and the following substituted:****Exception**

(3) If the chair considers it appropriate in the circumstances, the chair may appoint a panel of three or five members to hear and decide an appeal or other matter conferred upon the Appeals Tribunal under this Act and the panel composition shall be as follows:

1. A three-member panel shall consist of the chair or a vice-chair, one tribunal member who is representative of employers and one tribunal member who is representative of workers.
2. A five-member panel shall consist of,
  - i. the chair and two vice-chairs, or three vice-chairs, and
  - ii. one tribunal member who is representative of employers and one who is representative of workers.

**Decision**

(4) The decision of a majority of a three or five-member panel is the decision of the Appeals Tribunal.

**Panels**

(5) A member sitting alone or a three or five-member panel has all the jurisdiction and powers of the Appeals Tribunal.

**Commencement**

**6 (1) Subject to subsection (2), this Schedule comes into force on the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.**

**(2) Sections 1 and 2 come into force on the later of the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent and January 1, 2018.**

**SCHEDULE 46**  
**VARIOUS STATUTES — ANNUAL REPORTS BY PROVINCIAL AGENCIES**

***Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009***

**1 (1) Section 13 of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* is repealed and the following substituted:**

**Annual report**

**13 (1)** Every adjudicative tribunal shall prepare an annual report, provide it to the responsible minister no later than 90 days after the end of the tribunal's fiscal year and make it available to the public.

**Same**

(2) The tribunal shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The tribunal shall include such additional content in the annual report as the responsible minister may require.

**Tabling of annual report**

**13.1** The responsible minister shall table each adjudicative tribunal's annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 13 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

**This Act prevails re annual reports**

**13.2** In the event of any conflict between section 13 or 13.1 and a provision of another Act or a regulation respecting an adjudicative tribunal's annual report, section 13 or 13.1 prevails.

**(2) Subsection 18 (3) of the Act is amended by striking out "Section 11, 12 or 13" at the beginning and substituting "Section 11, 12 or 13 to 13.2".**

***AgriCorp Act, 1996***

**2 Section 14 of the *AgriCorp Act, 1996* is repealed and the following substituted:**

**Annual report**

**14 (1)** AgriCorp shall prepare an annual report, provide it to the Minister of Agriculture, Food and Rural Affairs no later than 90 days after AgriCorp receives audited financial statements from the Auditor General and make it available to the public.

**Same**

(2) AgriCorp shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) AgriCorp shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**14.1** The Minister of Agriculture, Food and Rural Affairs shall table AgriCorp's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Other reports**

**14.2** At the request of the Minister of Agriculture, Food and Rural Affairs, AgriCorp shall provide to the Minister a detailed business plan on its affairs and the reports, other than the annual report, that the Minister requires.

***Agricultural Research Institute of Ontario Act***

**3 Section 7 of the *Agricultural Research Institute of Ontario Act* is repealed and the following substituted:**

**Annual report**

**7 (1)** The Research Institute shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Research Institute shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Research Institute shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**7.1** The Minister shall table the Research Institute's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Alcohol and Gaming Regulation and Public Protection Act, 1996***

**4 Section 9 of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* is repealed and the following substituted:**

**Annual report**

**9** (1) The Commission shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Commission's fiscal year and make it available to the public.

**Same**

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Commission shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**10** The Minister shall table the Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Algonquin Forestry Authority Act***

**5 (1) The definition of "Minister" in section 1 of the *Algonquin Forestry Authority Act* is repealed and the following substituted:**

"Minister" means the Minister of Natural Resources and Forestry or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*; ("ministre")

**(2) Section 17 of the Act is repealed.**

**(3) The Act is amended by adding the following sections:**

**Annual report**

**19** (1) The Authority shall prepare an annual report, provide it to the Minister no later than 90 days after the Authority receives audited financial statements from the Auditor General and make it available to the public.

**Same**

(2) The Authority shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Authority shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**20** The Minister shall table the Authority's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Attracting Investment and Creating Jobs Act, 2012***

**6 Subsections 4 (7) and (8) of the *Attracting Investment and Creating Jobs Act, 2012* are repealed and the following substituted:**

**Annual report**

(7) Each corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the corporation's fiscal year and make it available to the public.

**Same**

(8) Each corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(9) Each corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

(10) The Minister shall table each corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Cancer Act****7 Section 13 of the *Cancer Act* is repealed and the following substituted:****Annual report**

**13** (1) The Foundation shall prepare an annual report, provide it to the Minister of Health and Long-Term Care or to the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*, and the Foundation shall make the annual report available to the public.

**Same**

(2) The Foundation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Foundation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.1** The Minister of Health and Long-Term Care or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act* shall table the Foundation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Capital Investment Plan Act, 1993****8 Section 14 of the *Capital Investment Plan Act, 1993* is repealed and the following substituted:****Annual report**

**14** (1) A corporation shall prepare an annual report, provide it to the minister no later than 90 days after the corporation receives audited financial statements from the Auditor General and make it available to the public.

**Same**

(2) The corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The corporation shall include such additional content in the annual report as the minister may require.

**Tabling of annual report**

**14.1** The minister shall table a corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

*Coroners Act***9 (1) The definition of “Minister” in subsection 1 (1) of the *Coroners Act* is repealed and the following substituted:**

“Minister” means the Minister of Community Safety and Correctional Services or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*; (“ministre”)

**(2) Subsection 8 (7) of the Act is repealed and the following substituted:****Annual report**

(7) The Oversight Council shall prepare an annual report that includes reporting on the Oversight Council’s activities under subsection 8.1 (1), and shall provide the report to the Minister and make it available to the public.

**Same**

(7.1) The Oversight Council shall include such content in the annual report as the Minister may require.

**Tabling of annual report**

(7.2) The Minister shall table the Oversight Council’s annual report in the Assembly.

*Courts of Justice Act***10 Subsections 43 (13) and (14) of the *Courts of Justice Act* are repealed and the following substituted:****Annual report**

(13) The Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public.

**Same**

(14) The Committee shall include such content in the annual report as the Attorney General may require.

**Tabling of annual report**

(14.1) The Attorney General shall table the Committee’s annual report in the Assembly.

*Credit Unions and Caisses Populaires Act, 1994***11 Sections 256 and 259 of the *Credit Unions and Caisses Populaires Act, 1994* are repealed and the following substituted:****Annual report**

**256** (1) The Corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Corporation’s fiscal year and make it available to the public.

**Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**257** The Minister shall table the Corporation’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

*Education Quality and Accountability Office Act, 1996***12 (1) Section 1 of the *Education Quality and Accountability Office Act, 1996* is amended by adding the following definition:**

“Minister” means the Minister of Education or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*; (“ministre”)

**(2) The following provisions of the Act are amended by striking out “Minister of Education and Training” wherever it appears and substituting in each case “Minister”:**

- 1. Paragraphs 6 and 7 of section 3.
- 2. Subsection 6 (1).
- 3. Subsection 8 (1).

- 4. Subsection 16 (3).
- 5. Section 22.
- 6. Section 23.
- 7. Subsections 24 (1), (4) and (5).
- 8. Subsection 26 (2).

**(3) Section 25 of the Act is repealed and the following substituted:**

**Annual report**

**25** (1) The Office shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

- (2) The Office shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report;
  - (b) when to provide it to the Minister; and
  - (c) when and how to make it available to the public.

**Same**

- (3) The Office shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**25.1** The Minister shall table the Office's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Other reports**

**25.2** (1) The Minister may require the Office to provide other reports on the Office's affairs, objects, powers or duties.

**Same**

- (2) Additionally, the Office may report to the Minister at any time.

***Electricity Act, 1998***

**13 Section 81 of the *Electricity Act, 1998* is repealed and the following substituted:**

**Annual report**

**81** (1) The Financial Corporation shall prepare an annual report, provide it to the Minister of Finance no later than 90 days after the Financial Corporation receives audited financial statements from the Auditor General and make it available to the public.

**Same**

- (2) The Financial Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report; and
  - (b) when and how to make it available to the public.

**Same**

- (3) The Financial Corporation shall include such additional content in the annual report as the Minister of Finance may require.

**Extension of time**

- (4) The Minister of Finance may extend the time for the Financial Corporation to provide its annual report for a fiscal year to a day that is not later than the day the Public Accounts for the fiscal year are submitted to the Lieutenant Governor in Council in accordance with Part 0.1 of the *Financial Administration Act*.

**Tabling of annual report**

**81.1** The Minister of Finance shall table the Financial Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Fair Access to Regulated Professions and Compulsory Trades Act, 2006***

**14 Section 15 of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:**

**Annual report**

**15** (1) The Fairness Commissioner shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Fairness Commissioner shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Fairness Commissioner shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**15.1** The Minister shall table the Fairness Commissioner's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Farm Products Payments Act***

**15 Section 6 of the *Farm Products Payments Act* is repealed and the following substituted:**

**Annual report**

**6** (1) Every board shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The board shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**6.1** The Minister shall table each board's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Financial Services Commission of Ontario Act, 1997***

**16 Section 15 of the *Financial Services Commission of Ontario Act, 1997* is repealed and the following substituted:**

**Annual report**

**15** (1) The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Commission shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**15.0.1** The Minister shall table the Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.



### **Other reports**

**15.0.2** The Commission shall submit to the Minister all reports, other than the annual report, and all information that the Minister requires.

### ***Health Insurance Act***

**17** Subsections 5.1 (15) and (16) of the *Health Insurance Act* are repealed.

### ***Heritage Hunting and Fishing Act, 2002***

**18 (1)** The *Heritage Hunting and Fishing Act, 2002* is amended by adding the following section:

#### **Definition**

**0.1** In this Act,

“Minister” means the Minister of Natural Resources and Forestry or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*.

**(2)** Subsection 2 (3) of the Act is amended by striking out “Minister of Natural Resources” in the portion before paragraph 1 and substituting “Minister”.

**(3)** Subsection 2 (4) of the Act is repealed and the following substituted:

#### **Annual report**

**(4)** The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

#### **Same**

**(4.1)** The Commission shall include such content in the annual report as the Minister may require.

#### **Tabling of annual report**

**(4.2)** The Minister shall table the Commission’s annual report in the Assembly.

### ***Higher Education Quality Council of Ontario Act, 2005***

**19 (1)** The definition of “Minister” in section 1 of the *Higher Education Quality Council of Ontario Act, 2005* is repealed and the following substituted:

“Minister” means the Minister of Advanced Education and Skills Development or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*; (“ministre”)

**(2)** Subsection 2 (5) of the Act is amended by striking out “Ministry of Training, Colleges and Universities” and substituting “Ministry of the Minister”.

**(3)** Section 8 of the Act is repealed and the following substituted:

#### **Annual report**

**8 (1)** The Council shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Council’s fiscal year and make it available to the public.

#### **Same**

**(2)** The Council shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

#### **Same**

**(3)** The Council shall include such additional content in the annual report as the Minister may require.

#### **Tabling of annual report**

**8.1** The Minister shall table the Council’s annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 8 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

### **Other reports**

**8.2** The Minister may require the Council to provide other reports.

**(4)** Clause 9 (1) (j) of the Act is repealed.

### ***Human Rights Code***

**20 (1)** Section 45.10 of the *Human Rights Code* is repealed.

**(2) Section 45.17 of the Act is repealed and the following substituted:**

**Fiscal year**

**45.17** The fiscal year of the Centre shall be from April 1 to March 31 of the following year.

**Annual report**

**45.17.1** (1) The Centre shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Centre's fiscal year and make it available to the public.

**Same**

- (2) The Centre shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report; and
  - (b) when and how to make it available to the public.

**Same**

- (3) The Centre shall include such additional content in the annual report as the Minister may require.

**(3) Clause 48 (2) (h) of the Act is repealed.**

***Justices of the Peace Act***

**21 Subsections 2.1 (19) and (20) of the *Justices of the Peace Act* are repealed and the following substituted:**

**Annual report**

(19) The Advisory Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public.

**Same**

- (20) The Advisory Committee shall include such content in the annual report as the Attorney General may require.

**Tabling of annual report**

- (20.1) The Attorney General shall table the Advisory Committee's annual report in the Assembly.

***Legal Aid Services Act, 1998***

**22 Section 72 of the *Legal Aid Services Act, 1998* is repealed and the following substituted:**

**Annual report**

**72** (1) The Corporation shall prepare an annual report, provide it to the Attorney General no later than 90 days after the Corporation receives audited financial statements from the Auditor General and make it available to the public.

**Same**

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report; and
  - (b) when and how to make it available to the public.

**Same**

- (3) The Corporation shall include such additional content in the annual report as the Attorney General may require.

**Tabling of annual report**

**72.1** The Attorney General shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Other reports**

**72.2** The Attorney General may at any time require the Corporation or any of its subsidiary corporations to report to him or her on any aspect of its affairs or to provide information on its activities, operations and financial affairs as the Attorney General may request.

***Local Health System Integration Act, 2006***

**23 Section 13 of the *Local Health System Integration Act, 2006* is repealed and the following substituted:**

**Fiscal year**

**13** The fiscal year of a local health integration network commences on April 1 in each year and ends on March 31 of the following year.

### **Annual report**

**13.1** (1) Each local health integration network shall prepare an annual report, provide it to the Minister and make it available to the public.

#### **Same**

(2) The local health integration network shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

#### **Same**

(3) The local health integration network shall include in the annual report,

- (a) data relating specifically to Aboriginal health issues addressed by the local health integration network; and
- (b) such additional content as the Minister may require.

### **Tabling of annual report**

**13.2** The Minister shall table each local health integration network's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

### **Reports to Ontario Health Quality Council**

**13.3** Each local health integration network shall provide the Ontario Health Quality Council with the information about the local health system that the Council requests.

### ***Metrolinx Act, 2006***

**24 Section 33 of the *Metrolinx Act, 2006* is repealed and the following substituted:**

#### **Annual report**

**33** (1) The Corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Corporation's fiscal year and make it available to the public.

#### **Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

#### **Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

### **Tabling of annual report**

**33.1** The Minister shall table the Corporation's annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 33 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

### **Other reports**

**33.2** (1) The Corporation and its subsidiary corporations shall provide the Minister with such information on any aspect of their business and affairs or on any matter respecting transportation or transit as the Minister may at any time request.

### **Reports by third parties**

(2) The Minister may appoint one or more persons to review any of the activities or proposed activities of the Corporation or of any of its subsidiary corporations and to report on them to the Minister.

### ***Metropolitan Toronto Convention Centre Corporation Act***

**25 (1) The definition of "Minister" in section 1 of the *Metropolitan Toronto Convention Centre Corporation Act* is repealed and the following substituted:**

"Minister" means the Minister of Tourism, Culture and Sport or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*. ("ministre")

**(2) Section 13 of the Act is repealed and the following substituted:**

**Annual report**

**13** (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.1** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ministry of Correctional Services Act***

**26 Section 40 of the *Ministry of Correctional Services Act* is repealed.**

***Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998***

**27 Section 10 of the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* is repealed.**

***Niagara Parks Act***

**28 Section 20 of the *Niagara Parks Act* is repealed and the following substituted:**

**Annual report**

**20** (1) The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Commission shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**20.1** The Minister shall table the Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Northern Ontario Heritage Fund Act***

**29 (1) The definition of "Minister" in section 1 of the *Northern Ontario Heritage Fund Act* is repealed and the following substituted:**

"Minister" means the Minister of Northern Development and Mines or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*. ("ministre")

**(2) Section 9 of the Act is repealed and the following substituted:**

**Annual report**

**9** (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and

- (c) when and how to make it available to the public.

**Same**

- (3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**10** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Agency for Health Protection and Promotion Act, 2007***

**30 Section 22 of the *Ontario Agency for Health Protection and Promotion Act, 2007* is repealed and the following substituted:**

**Annual report**

- 22** (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

- (3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**22.1** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Capital Growth Corporation Act, 2008***

**31 Section 16 of the *Ontario Capital Growth Corporation Act, 2008* is repealed and the following substituted:**

**Annual report**

**16** (1) The Corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Corporation's fiscal year and make it available to the public.

**Same**

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

- (3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**16.1** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Educational Communications Authority Act***

**32 Section 13 of the *Ontario Educational Communications Authority Act* is repealed and the following substituted:**

**Annual report**

**13** (1) The Authority shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Authority's fiscal year and make it available to the public.

**Same**

- (2) The Authority shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Authority shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.0.1** The Minister shall table the Authority's annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 13 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

**Other reports**

**13.0.2** The Minister may require the Authority to provide other reports.

***Ontario Energy Board Act, 1998***

**33 Section 4.9 of the *Ontario Energy Board Act, 1998* is repealed and the following substituted:**

**Annual report**

**4.9** (1) The Board shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Board's fiscal year and make it available to the public.

**Same**

(2) The Board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Board shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**4.9.1** The Minister shall table the Board's annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 4.9 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

***Ontario Food Terminal Act***

**34 Section 9 of the *Ontario Food Terminal Act* is repealed and the following substituted:**

**Annual report**

**9** (1) The Board shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Board shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**9.1** The Minister shall table the Board's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Forest Tenure Modernization Act, 2011***

**35 Section 24 of the *Ontario Forest Tenure Modernization Act, 2011* is repealed and the following substituted:**

**Annual report**

**24** (1) The board of each Ontario local forest management corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Ontario local forest management corporation's fiscal year and make it available to the public.

**Same**

(2) The Ontario local forest management corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Ontario local forest management corporation shall include such additional content in the annual report as the Minister may require.

***Ontario French-language Educational Communications Authority Act, 2008***

**36 Section 13 of the *Ontario French-language Educational Communications Authority Act, 2008* is repealed and the following substituted:**

**Annual report**

**13** (1) The Authority shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Authority's fiscal year and make it available to the public.

**Same**

- (2) The Authority shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
  - (a) the form and content of the annual report; and
  - (b) when and how to make it available to the public.

**Same**

(3) The Authority shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.1** The Minister shall table the Authority's annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 13 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

**Other reports**

**13.2** The Minister may require the Authority to provide other reports.

***Ontario Heritage Act***

**37 Section 21 of the *Ontario Heritage Act* is repealed and the following substituted:**

**Annual report**

**21** (1) The Trust shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

- (2) The Trust shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
  - (a) the form and content of the annual report;
  - (b) when to provide it to the Minister; and
  - (c) when and how to make it available to the public.

**Same**

(3) The Trust shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**21.1** The Minister shall table the Trust's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Other reports**

**21.2** The Minister may require the Trust to provide other reports.

***Ontario Highway Transport Board Act***

**38 Section 33 of the *Ontario Highway Transport Board Act* is repealed and the following substituted:**

**Annual report**

**33** (1) The Board shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

- (2) The Board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

- (3) The Board shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**34** The Minister shall table the Board's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Infrastructure and Lands Corporation Act, 2011***

**39 (1) Section 18 of the *Ontario Infrastructure and Lands Corporation Act, 2011* is repealed and the following substituted:**

**Annual report**

**18 (1)** The Corporation shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Corporation's fiscal year and make it available to the public.

**Same**

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

- (3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**18.1** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**(2) Clause 36 (1) (k) of the Act is repealed.**

***Ontario Lottery and Gaming Corporation Act, 1999***

**40 (1) Section 9 of the *Ontario Lottery and Gaming Corporation Act, 1999* is amended by adding the following subsection:**

**Auditor's report**

- (4) The board shall give the Minister a copy of every auditor's report.

**(2) Section 10 of the Act is repealed and the following substituted:**

**Annual report**

**10 (1)** The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

- (2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

- (3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**10.1** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Other reports, etc.**

**10.2** The Corporation shall give the Minister such additional information and reports as the Minister may request.



***Ontario Mental Health Foundation Act***

**41 (1) The *Ontario Mental Health Foundation Act* is amended by adding the following Part:**

**PART 0.1  
INTERPRETATION**

**Definition**

**0.1** In this Act,

“Minister” means the Minister of Health and Long-Term Care or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*.

**(2) Section 13 of the Act is repealed and the following substituted:**

**Annual report**

**13 (1)** The Foundation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Foundation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Foundation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.1** The Minister shall table the Foundation’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**(3) Subsection 15 (1) and section 26 of the Act are amended by striking out “Minister of Health and Long-Term Care” wherever it appears and substituting in each case “Minister”.**

***Ontario Mortgage and Housing Corporation Act***

**42 Section 13 of the *Ontario Mortgage and Housing Corporation Act* is repealed and the following substituted:**

**Annual report**

**13 (1)** The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.0.1** The Minister shall table the Corporation’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Municipal Board Act***

**43 Section 101 of the *Ontario Municipal Board Act* is repealed.**

***Ontario Northland Transportation Commission Act***

**44 (1) Section 1 of the *Ontario Northland Transportation Commission Act* is amended by adding the following definition:**

“Minister” means the Minister of Northern Development and Mines or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*. (“ministre”)

**(2) Section 41 of the Act is repealed and the following substituted:**

**Annual report**

**41** (1) The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Commission shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**41.1** The Minister shall table the Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Ontario Place Corporation Act***

**45 (1) The definition of "Minister" in section 1 of the *Ontario Place Corporation Act* is repealed and the following substituted:**

"Minister" means the Minister of Tourism, Culture and Sport or the minister of the Crown to whom the powers and duties under this Act are assigned or transferred under the *Executive Council Act*. ("ministre")

**(2) Section 14 of the Act is repealed and the following substituted:**

**Annual report**

**14** (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**15** The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Other reports**

**16** The Minister may require the Corporation to provide other reports.

***Ottawa Convention Centre Corporation Act***

**46 Section 13 of the *Ottawa Convention Centre Corporation Act* is repealed and the following substituted:**

**Annual report**

**13** (1) The Centre shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Centre shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Centre shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**13.1** The Minister shall table the Centre's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Pay Equity Act***

**47 Subsection 33 (5) of the *Pay Equity Act* is repealed and the following substituted:**

**Annual report**

(5) The head of the Pay Equity Office shall prepare an annual report on the Commission, provide it to the Minister no later than 90 days after the end of the Commission's fiscal year and make it available to the public.

**Same**

(6) The head of the Pay Equity Office shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(7) The head of the Pay Equity Office shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

(8) The Minister shall table the annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Police Services Act***

**48 Subsection 21 (7) of the *Police Services Act* is repealed.**

***Public Service of Ontario Act, 2006***

**49 (1) Section 12 of the *Public Service of Ontario Act, 2006* is repealed and the following substituted:**

**Annual report**

**12 (1)** The Public Service Commission shall prepare an annual report, provide it to the minister responsible for the administration of this Act and make it available to the public.

**Same**

(2) The Public Service Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Public Service Commission shall include such additional content in the annual report as the minister may require.

**Tabling of annual report**

**12.1** The minister responsible for the administration of this Act shall table the Public Service Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**(2) Section 19 of the Act is repealed and the following substituted:**

**Annual report**

**19 (1)** The Conflict of Interest Commissioner shall prepare an annual report, provide it to the minister responsible for the administration of this Act and make it available to the public.

**Same**

(2) The Conflict of Interest Commissioner shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Conflict of Interest Commissioner shall include such additional content in the annual report as the minister may require.

**Tabling of annual report**

**19.1** The minister responsible for the administration of this Act shall table the Conflict of Interest Commissioner's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

***Residential Tenancies Act, 2006***

**50 Section 180 of the *Residential Tenancies Act, 2006* is repealed and the following substituted:**

**Reports**

**180** The Minister may require the Board to provide reports to the Minister in addition to the annual report required by the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*.

***Securities Act***

**51 Section 3.10 of the *Securities Act* is repealed and the following substituted:**

**Annual report**

**3.10** (1) The Commission shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the Commission's fiscal year and make it available to the public.

**Same**

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

**Same**

(3) The Commission shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

**3.10.1** The Minister shall table the Commission's annual report in the Assembly no later than 30 days after determining that the annual report meets the requirements of section 3.10 and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when and how to make that determination.

**Review of annual report by standing or select committee**

**3.10.2** After the Commission's annual report is tabled in the Assembly, a standing or select committee of the Assembly shall be empowered to review the report and to report the committee's opinions and recommendations to the Assembly.

***St. Lawrence Parks Commission Act***

**52 Section 18 of the *St. Lawrence Parks Commission Act* is repealed and the following substituted:**

**Annual report**

**18** (1) The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Commission shall include such additional content in the annual report as the Minister may require.

### **Tabling of annual report**

**18.1** The Minister shall table the Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

### ***Toronto Islands Residential Community Stewardship Act, 1993***

**53 Subsection 12 (13) of the *Toronto Islands Residential Community Stewardship Act, 1993* is repealed and the following substituted:**

#### **Annual report**

(13) The board shall prepare an annual report, provide it to the Minister no later than 120 days after the end of the board's fiscal year and make it available to the public.

#### **Same**

(14) The board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report; and
- (b) when and how to make it available to the public.

#### **Same**

(15) The board shall include such additional content in the annual report as the Minister may require.

### ***Trillium Gift of Life Network Act***

**54 Section 8.15 of the *Trillium Gift of Life Network Act* is repealed and the following substituted:**

#### **Annual report**

**8.15** (1) The Network shall prepare an annual report, provide it to the Minister and make it available to the public.

#### **Same**

(2) The Network shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

#### **Same**

(3) The Network shall include such additional content in the annual report as the Minister may require.

### **Tabling of annual report**

**8.15.1** The Minister shall table the Network's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

### ***Workplace Safety and Insurance Act, 1997***

**55 Section 170 of the *Workplace Safety and Insurance Act, 1997* is repealed and the following substituted:**

#### **Annual report**

**170** (1) The Board shall prepare an annual report, provide it to the Minister and make it available to the public.

#### **Same**

(2) The Board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

#### **Same**

(3) The Board shall include such additional content in the annual report as the Minister may require.

### **Tabling of annual report**

**170.1** The Minister shall table the Board's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Commencement**

**56 (1)** Subject to subsection (2), this Schedule comes into force on the later of January 1, 2018 and the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.

**(2)** Section 6 comes into force on the later of the day section 4 of the *Attracting Investment and Creating Jobs Act, 2012* comes into force and the day the *Stronger, Fairer Ontario Act (Budget Measures), 2017* receives Royal Assent.