

Legislative
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Bill 179

**An Act to amend the Building Code Act, 1992, the Insurance Act and the
Municipal Affairs Act in respect of flood avoidance, insurance and recovery**

Mr. T. Natyshak

Private Member's Bill

1st Reading November 21, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill is about flood avoidance, insurance and recovery.

Avoidance

The *Building Code Act, 1992* is amended. A residential building must have a rainwater tank of at least 204 litres.

Insurance

The *Insurance Act* is amended. The history of property insurance claims for residential properties in Ontario shall be public. Flood insurance shall not be declined on the basis of flooding if the flooding took place in a declared emergency.

Recovery

The *Municipal Affairs Act* is amended. Disaster recovery assistance shall be provided for residential properties that suffer flooding from sewer backup, without means testing.

**An Act to amend the Building Code Act, 1992, the Insurance Act and the Municipal Affairs Act
in respect of flood avoidance, insurance and recovery**

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

Building Code Act, 1992

1 The *Building Code Act, 1992* is amended by adding the following section:

STANDARDS SET OUT IN THIS ACT

Residential rainwater tank

15.8.1 The building code is deemed to provide that a building for residential occupancy must have a downspout that flows into a rainwater tank, and that the rainwater tank's capacity must be at least 204 litres.

Insurance Act

2 (1) The *Insurance Act* is amended by adding the following section:

CLAIMS HISTORY PUBLICATION

Residential property insurance

114 Every insurer shall make available to the public on the insurer's website the history of all property insurance claims for each insured residential real property in Ontario, to the extent of the insurer's knowledge.

(2) The Act is amended by adding the following Part:

**PART IV.1
FLOOD INSURANCE**

Application of Part

170 (1) This Part applies to insurance against loss or damage to property arising from the peril of water in any contract made in Ontario.

Exceptions

(2) The exceptions listed in subsection 143 (1) apply with respect to subsection (1) of this section, with necessary modifications and with the modification that clause 143 (1) (c) shall be read as referring to water, not fire.

Limitation on termination

170.1 (1) An insurer shall not decline to issue or terminate or refuse to renew a contract on the grounds, or partly on the grounds, that there was loss or damage from water to the property or that claims were made respecting loss or damage from water to the property, if an emergency was declared to exist under the *Emergency Management and Civil Protection Act* respecting the time and place that the loss or damage occurred.

Information and exemption

(2) Subsections 237 (2) to (6) apply with respect to subsection (1) of this section, with necessary modifications.

Municipal Affairs Act

3 The *Municipal Affairs Act* is amended by adding the following Part:

**PART IV
DISASTER RECOVERY**

Disaster recovery

55 (1) The Minister shall provide disaster recovery assistance to owners of residential property that experience flood damage caused by sewer backup related to a sudden, unexpected natural disaster that causes costly and widespread damage to private property, without regard to the incomes of the owners or their households.

Money appropriated by the Legislature

(2) Subsection (1) only applies if money is appropriated by the Legislature for the purpose of subsection (1).

Commencement

4 This Act comes into force three months after the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Flood Avoidance, Insurance and Recovery Statute Law Amendment Act, 2017*.