

Legislative
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Bill 69

An Act to support small businesses impacted by long-term infrastructure projects

Mr. M. Colle

Private Member's Bill

1st Reading May 3, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Small Business Construction Survival Act, 2018* and amends the *Infrastructure for Jobs and Prosperity Act, 2015*.

The new Act requires the Minister of Finance to establish a program to support qualified small business owners that are negatively impacted by long-term infrastructure projects. The program may apply with respect to any long-term infrastructure project that is or was under construction on or after January 1, 2018.

The *Infrastructure for Jobs and Prosperity Act, 2015* is amended to add transit projects to the definition of infrastructure. Section 3 of the Act is amended to add new principles that must be considered when making decisions with respect to infrastructure.

An Act to support small businesses impacted by long-term infrastructure projects

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

Definitions

1 (1) In this Act,

“business improvement area” means a board of management continued under section 429 of the *City of Toronto Act, 2006* or established under section 204 of the *Municipal Act, 2001*; (“secteur d’aménagement commercial”)

“infrastructure project” means a project to construct infrastructure, as that term is defined in the *Infrastructure for Jobs and Prosperity Act, 2015*; (“travaux d’infrastructure”)

“long-term” has the meaning set out in the regulations; (“long terme”)

“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”)

“prescribed” means prescribed by the regulations; (“prescrit”)

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

Interpretation, related persons

(2) Persons are related to each other if,

- (a) they are related for the purposes of the *Income Tax Act* (Canada);
- (b) one of them is a partnership and the other person is the majority interest partner of the partnership; or
- (c) each of them is a partnership and the same person is the majority interest partner of each.

Support program

2 (1) The Minister shall establish a program to provide support for qualified small business owners that are negatively impacted by the construction of long-term infrastructure projects.

Qualified small business owners

(2) A small business owner is a qualified small business owner if the business he or she owns meets the following requirements:

1. The total gross assets, as determined in the prescribed manner, of the business and of each corporation and partnership related to it do not exceed \$3 million.
2. The total number of employees, as determined in the prescribed manner, of the business and of each corporation and partnership related to it does not exceed 50.
3. The business was located within a prescribed distance from the infrastructure construction site at least three months prior to the start of construction.

May include compensation

(3) The program may include the provision of financial compensation to,

- (a) qualified small business owners who demonstrate financial hardship as a result of the construction; and
- (b) business improvement areas that demonstrate financial hardship in their area as a result of the construction.

Geographical area

(4) The program may be limited to apply only in certain geographical areas.

Application

(5) The program may apply with respect to any long-term infrastructure project that is or was under construction on or after January 1, 2018.

Deadline

(6) The program must be established within six months after the day this Act receives Royal Assent.

Report to the Legislative Assembly

(7) The Minister shall prepare a report within one year after the day this Act receives Royal Assent regarding the implementation of the program and shall cause the report to be laid before the Assembly.

Regulations

3 (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, under this Act, may or must be prescribed or done by regulation;
- (b) defining “long-term” for the purposes of this Act.

Same

(2) The Minister may make regulations governing the procedure for demonstrating financial hardship for the purposes of subsection 2 (3), including by prescribing what kinds of financial hardship need to be demonstrated.

Infrastructure for Jobs and Prosperity Act, 2015

4 (1) The definition of “infrastructure” in section 2 of the *Infrastructure for Jobs and Prosperity Act, 2015* is amended by adding “transit projects” after “bridges” in the portion before clause (a).

(2) Section 2 of the Act is amended by adding the following definition:

“transit project” means,

- (a) an enterprise or activity that is the planning, designing, establishing, constructing, operating, changing or retiring of,
 - (i) a facility or service that, aside from any incidental use for walking, bicycling or other means of transporting people by human power, is used exclusively for the transportation of passengers by bus or rail, or
 - (ii) anything that is ancillary to a facility or service described in subclause (i) and that is used to support or facilitate the transportation of passengers by bus or rail, or
- (b) a proposal, plan or program in respect of an enterprise or activity described in clause (a). (“projet de transport en commun”)

(3) Section 3 of the Act is amended by adding the following paragraphs:

- 5.1 Provincial infrastructure planning should incorporate the creation of construction mitigation plans to support small businesses impacted by infrastructure projects receiving provincial funding.
- 5.2 Provincial infrastructure investment should consider the impact of long-term infrastructure projects on the local business community, and local small businesses in particular, as a part of the overall economic assessment of a project.

(4) Subsection 12 (1) of the Act is amended by adding the following clause:

- (c.1) defining “long-term” and “small business” for the purposes of section 3;

Commencement

5 This Act comes into force on the day it receives Royal Assent.

Short title

6 The short title of this Act is the *Small Business Construction Survival Act, 2018*.