

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

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Bill 57

An Act to enact, amend and repeal various statutes

The Hon. V. Fedeli
Minister of Finance

Government Bill

1st Reading November 15, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 ALCOHOL AND GAMING REGULATION AND PUBLIC PROTECTION ACT, 1996

Section 26 of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* governs annual adjustments to the rate of basic tax payable by purchasers of beer. Subsection 26 (1.1) of the Act currently provides for an increase in the rate to take effect on November 1, 2018. Subsection 26 (1.1) of the Act is amended to remove that increase. The amendment is deemed to have come into force on October 31, 2018.

The Schedule also sets out rules relating to amounts purchasers pay in respect of the increase on and after November 1, 2018 and before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent. Those amounts are deemed not to have been paid as tax but rather as part of the purchase price owing to the beer vendor.

SCHEDULE 2 ASSESSMENT ACT

Royal Canadian Legion memorial homes, clubhouses and athletic grounds are exempted from taxation.

SCHEDULE 3 AUDITOR GENERAL ACT

Currently, the Auditor General is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. Authority to remove the Auditor General for cause is expanded to allow a suspension. The Schedule contains rules regarding the salary, benefits and pension of the Auditor General and restrictions on holding any other office, and sets out the nature of the office.

The Auditor General is required to designate an individual to act when he or she is not available. The Schedule also allows for appointment of a temporary Auditor General in certain circumstances.

Other amendments are made, and transitional provisions are set out.

SCHEDULE 4 AUTOMOBILE INSURANCE RATE STABILIZATION ACT, 2003

The *Automobile Insurance Rate Stabilization Act, 2003* is amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

SCHEDULE 5 CITY OF TORONTO ACT, 2006

Section 98 of the *City of Toronto Act, 2006* currently relates to by-laws that prohibit or regulate the smoking of tobacco. This section is amended to include the smoking of cannabis.

SCHEDULE 6 CIVIL REMEDIES ACT, 2001

The Schedule amends the *Civil Remedies Act, 2001* by adding a new section 18.1, providing that a court may, on motion or application by the Attorney General or with the Attorney General's consent, approve a settlement in relation to a proceeding under the Act, including a settlement that provides for the full or partial forfeiture of the property that is the subject of the proceeding.

SCHEDULE 7 COMMODITY FUTURES ACT

The Schedule amends the *Commodity Futures Act*. The major elements of the Schedule are set out below.

A new Part is added with respect to the regulation of benchmarks. Benchmark administrators may apply to be designated or to have a benchmark designated. This designation has a number of legal effects. In particular, the use of non-designated benchmarks may be prohibited by the rules. The Ontario Securities Commission (the Commission) may require information to be provided to a designated benchmark administrator in relation to the designated benchmark.

Benchmark administrators and contributors, including their respective directors, officers and employees, and any of their service providers or security holders that are in a prescribed class, are required to comply with various benchmark requirements that may be established under the Commission's new rule-making powers with respect to benchmarks. Benchmark users are also required to comply with many of these requirements.

The Act is amended to prohibit engaging or participating in the provision of false or misleading information for the purpose of determining a benchmark. It also prohibits conduct that improperly influences the determination of a benchmark.

**SCHEDULE 8
CONSTRUCTION ACT**

The Schedule makes various amendments to the *Construction Act*, including the following amendments:

1. Section 13.3 of the Act is amended to broaden the powers of the Authorized Nominating Authority to set fees, costs and other charges in relation to the administration of adjudication by the Authority under Part II.1 of the Act, and to specify that such fees, costs or charges are not public money and may be retained by the Authority. Section 88 of the Act is amended accordingly to adjust the related regulation-making authority set out in that section.
2. Section 13.6 of the Act is re-enacted to provide that adjudication procedures are governed by the Act and the regulations and, to the extent set out in that section, by adjudication procedures specified in an applicable contract or subcontract.
3. Section 13.11.1 is added to the Act to provide expressly for a party to respond to a notice of adjudication.
4. Section 27.1 of the Act is re-enacted to provide that if an owner, contractor or subcontractor refuses to make payment under section 26 of 27 of the Act, the person to whom the payment is owed may refuse to pay out a further person from the payment owed, if the person to whom the payment is owed takes the specified steps.
5. Section 87.3 of the Act, dealing with transitional rules connected to the *Construction Lien Amendment Act, 2017*, is re-enacted.
6. Various amendments are made to the French version of the Act to ensure a consistent form of expression.

**SCHEDULE 9
CO-OPERATIVE CORPORATIONS ACT**

The *Co-operative Corporations Act* is amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Minister. Transitional matters are provided for.

Section 187 of the Act, which governs approved forms and fees, is re-enacted.

**SCHEDULE 10
COURTS OF JUSTICE ACT**

The Schedule amends the *Courts of Justice Act* to add a section 149, respecting agreements into which the Attorney General may enter with service providers for the provision of mediation and information services in relation to family law matters. The services are subject to such fees as are specified in the agreement, which may be collected by or on behalf of service providers, but which must be used by service providers for or in relation to the provision of the services, as specified in the agreements, or for any other purpose specified in the agreements. The fees payable are to be published on a Government of Ontario website.

**SCHEDULE 11
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

The *Credit Unions and Caisses Populaires Act, 1994* is amended to change references to the Deposit Insurance Corporation of Ontario to refer instead to the Financial Services Regulatory Authority of Ontario. Section 276 of the Act, which governs the Deposit Insurance Reserve Fund, is also amended. Various provisions that relate to the Deposit Insurance Corporation of Ontario are also repealed.

**SCHEDULE 12
ELECTION ACT**

Currently, the Chief Electoral Officer is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. The current unlimited term of the Chief Electoral Officer is retained. Authority is added to remove the Chief Electoral Officer for cause and to suspend him or her. The Schedule contains new rules regarding the salary and benefits of the Chief Electoral Officer and restrictions on holding any other office, and sets out the nature of the office.

Currently, the Lieutenant Governor in Council is permitted to appoint a Deputy Chief Electoral Officer, as an officer of the Assembly. The Schedule requires the Chief Electoral Officer to designate an individual from Elections Ontario to act when the Chief Electoral Officer cannot, who will not be an officer. The current Deputy remains in office. The Schedule also allows for appointment of a temporary Chief Electoral Officer in certain circumstances.

Transitional provisions are set out.

**SCHEDULE 13
ELECTION FINANCES ACT**

The Schedule amends the *Election Finances Act*.

Starting in 2019, the maximum contribution that a person can make annually to any one registered party or to registered constituency associations, registered nomination contestants and registered leadership contestants of any one registered party is \$1,600 plus \$25 for every year starting on or after January 1, 2020. A similar increase is made with respect to other contributions described in section 18 that apply with respect to a campaign period. The Schedule repeals subsection 23 (7) which governs the maximum amount that a person can contribute at a fund-raising event. The Schedule repeals the requirement in subsection 19 (3) that contributors certify that their contribution comes only from funds belonging to them, and not from funds given to them for the purpose of making a contribution.

The Schedule repeals section 23.1 so that persons, such as a member of the Assembly or the leader of a registered party, are no longer prohibited from attending a fund-raising event.

The Schedule phases out, by January 1, 2022, the quarterly allowance described in section 32.1 that is payable to a registered party or a registered constituency association.

SCHEDULE 14 ELECTRICITY ACT, 1998

The Schedule amends the *Electricity Act, 1998* to add a new section 25.34. The new section provides that, if money is appropriated for the purpose by the Legislature, the IESO shall pay all or any portion of the amounts required to be paid by it to an entity as a result of the termination, in accordance with Order in Council 1003/2018 made on July 5, 2018, of a procurement contract to which the entity was a party. Clause 114 (1.3) (h) is added to the Act to provide regulation-making authority to exclude specified amounts from the application of the section. Section 25.33 of the Act is amended to exclude any amounts paid under section 25.34 from the adjustments required to be made under subsections 25.33 (1) and (2).

SCHEDULE 15 ENVIRONMENTAL BILL OF RIGHTS, 1993

The *Environmental Bill of Rights, 1993* is amended so that duties currently associated with the position of Environmental Commissioner are transferred to the Environment Minister and the Auditor General. Related amendments are made.

The Auditor General shall appoint a Commissioner of the Environment from among the employees of the Office of the Auditor General, and the Commissioner of the Environment may, subject to the direction of the Auditor General, exercise the powers and perform the duties and functions of the Auditor General under the Act.

Transitional provisions are set out.

SCHEDULE 16 FINANCIAL ACCOUNTABILITY OFFICER ACT, 2013

Currently, the Financial Accountability Officer is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. The current term of office of five years is retained. Authority to remove the Financial Accountability Officer for cause is expanded to allow a suspension. The Schedule contains new rules regarding the salary and benefits of the Financial Accountability Officer and restrictions on holding any other office, and sets out the nature of the office.

The Financial Accountability Officer is required to designate an individual to act when he or she is not available. A temporary Financial Accountability Officer may be appointed in certain circumstances.

Transitional provisions are set out.

SCHEDULE 17 FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

Section 2 of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended to provide that the Financial Services Regulatory Authority of Ontario (the Authority) and the Deposit Insurance Corporation of Ontario (DICO) are amalgamated and continued under the name Financial Services Regulatory Authority of Ontario.

Section 3 of the Act is amended to set out the objects of the Authority in respect of credit unions.

New section 10.2 of the Act requires that the board of directors of the Authority establish a committee to advise the board on matters related to the Deposit Insurance Reserve Fund.

Transitional matters related to the amalgamation of the Authority and DICO are provided for in new section 33.

SCHEDULE 18 FIRE PROTECTION AND PREVENTION ACT, 1997

The Schedule amends the *Fire Protection and Prevention Act, 1997*. Here are some highlights:

Part IX of the Act is amended to prohibit employers and employers' organizations from refusing to employ a person as a firefighter, refusing to assign a person to fire protection services or discharging a firefighter because the person has worked, is working or intends to work as a volunteer firefighter.

Associations are also prohibited from denying membership to, suspending, expelling, fining, attempting to collect a fine from, penalizing or otherwise disciplining a firefighter because the firefighter has worked, is working or intends to work as a volunteer firefighter, regardless of whether or not such work is within the jurisdiction, or adversely affects the interests, of the association.

Amendments to Part IX of the Act replace three-member arbitration boards with single arbitrators for dispute resolution. The amendments also include new criteria to be taken into consideration in an arbitrator's decision and a requirement that an arbitrator provide written reasons for a decision at the request of either party. Complementary amendments are also made.

**SCHEDULE 19
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

Currently, the Information and Privacy Commissioner is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. The current term of office of five years is retained. Authority to remove the Commissioner for cause is expanded to allow a suspension. The Schedule contains new rules regarding the salary and benefits of the Commissioner and restrictions on holding any other office, and sets out the nature of the office.

The Commissioner is required to designate an individual to act when he or she is not available. A temporary Commissioner may be appointed in certain circumstances.

Transitional provisions are set out.

**SCHEDULE 20
FRENCH LANGUAGE SERVICES ACT**

The *French Language Services Act* is amended so that duties currently associated with the position of French Language Services Commissioner are transferred to the Ombudsman, and related amendments are made.

Transitional provisions are set out.

**SCHEDULE 21
INSURANCE ACT**

Section 42 of the *Insurance Act* is amended to provide that certain insurers must be members of the Fire Mutuals Guarantee Fund.

A technical amendment is also made to the French version of the Act.

**SCHEDULE 22
INTERIM APPROPRIATION FOR 2019-2020 ACT, 2018**

The Schedule enacts the *Interim Appropriation for 2019-2020 Act, 2018*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2020 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, 2020.

**SCHEDULE 23
LEGISLATIVE ASSEMBLY ACT**

Currently, the Clerk of the Legislative Assembly is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. Authority to remove the Clerk for cause is expanded to allow a suspension.

The Clerk is required to designate an individual to act when he or she is not available. A temporary Clerk may be appointed in certain circumstances.

The definition of "recognized party" in subsection 62 (5) of the Act is changed to a party that has a recognized membership of at least 10 per cent of the total number of members of the Assembly.

A provision is added continuing the branch of the Office of the Assembly known as the Legislative Protective Service and setting out its mandate.

**SCHEDULE 24
MEMBERS' INTEGRITY ACT, 1994**

Currently, the Integrity Commissioner is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. The current term of office of five years is retained. Authority to remove the Commissioner for cause is expanded to allow a suspension. The Schedule contains new rules regarding the salary and benefits of the Commissioner and restrictions on holding any other office, and sets out the nature of the office.

The Commissioner is required to designate an individual to act when he or she is not available. A temporary Commissioner may be appointed in certain circumstances.

Transitional provisions are set out.

SCHEDULE 25 METROLINX ACT, 2006

The Schedule amends the *Metrolinx Act, 2006*. The changes made by the Schedule include the following:

The regional transportation area is expanded by adding the Regional Municipality of Niagara, Haldimand County, the County of Brant, the City of Brantford, the Regional Municipality of Waterloo, the County of Wellington, the City of Guelph, the County of Dufferin, the County of Simcoe, the City of Barrie, the City of Orillia, the City of Kawartha Lakes, the County of Peterborough, the City of Peterborough and the County of Northumberland. Note that there is no change as to the municipalities mentioned in respect of the unified fare system.

The objects of Metrolinx are altered as follows:

1. The object of providing leadership in respect of an integrated, multi-modal transportation network is replaced with an object of providing leadership in respect of an integrated transit network.
2. An object, and duty, to provide other advice and services on matters related to transportation at the direction of the Minister of Transportation is added.
3. It is provided that in carrying out its objects, Metrolinx shall conform with objectives directed by the Lieutenant Governor in Council, the Minister of Transportation's transportation plans, policies and strategies and prescribed plans and policies.

The mandatory components of the transportation plan that Metrolinx must create are altered, including by removing the requirement that the plan take into consideration all modes of transportation. It is provided that the transportation plan is subject to the approval of the Minister of Transportation, who also may amend it when approving it, as well as direct that it is to be reviewed or amended.

It is provided that the Lieutenant Governor in Council, on the recommendation of the Minister of Transportation, may appoint a representative who may attend meetings of the board of directors of Metrolinx.

SCHEDULE 26 MOTOR VEHICLE ACCIDENT CLAIMS ACT

The *Motor Vehicle Accident Claims Act* is amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016* in certain cases and the Director of the Motor Vehicle Accident Claims Fund in others.

SCHEDULE 27 MUNICIPAL ACT, 2001

Section 115 of the *Municipal Act, 2001* currently relates to by-laws that prohibit or regulate the smoking of tobacco. This section is amended to include the smoking of cannabis.

SCHEDULE 28 OMBUDSMAN ACT

Currently, the Ombudsman is appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. The Schedule provides that this appointment is made directly by the Assembly. The current term of office of five years is retained. Authority to remove the Ombudsman for cause is expanded to allow a suspension. The Schedule contains new rules regarding the salary and benefits of the Ombudsman and restrictions on holding any other office, and sets out the nature of the office.

The Ombudsman is required to designate an individual to act when he or she is not available. A temporary Ombudsman may be appointed in certain circumstances.

The Ombudsman's functions are expanded to include investigations respecting certain children and young persons as well as to include functions to be prescribed respecting services provided to certain children. The Act is amended to require children's aid societies and residential licensees to take certain measures to inform children in care about these functions and to facilitate contact with the Ombudsman. The Act is amended to require the Lieutenant Governor in Council to consult with the Ombudsman before making any regulations under the Act, except in certain circumstances.

Transitional provisions are set out.

**SCHEDULE 29
ONTARIO LOAN ACT, 2018 (NO. 2)**

The *Ontario Loan Act, 2018 (No. 2)* is enacted. Subsection 1 (1) of the Act authorizes the Crown to borrow a maximum of \$1,900,000,000.

**SCHEDULE 30
ONTARIO PLACE CORPORATION ACT**

The Schedule amends the *Ontario Place Corporation Act*.

Currently, the Corporation must consist of at least seven and not more than 13 members appointed by the Lieutenant Governor in Council. The minimum number is changed to one and the requirement that one of the members must be a director of the Canadian National Exhibition Association is removed.

New section 9.1 of the Act requires the board of directors to prepare a proposed plan for the winding up of the Corporation and transferring its assets, liabilities, rights and obligations to the Crown in right of Ontario or to an agency of the Crown. Subject to the approval of the plan by the Lieutenant Governor in Council, the Board must wind up the Corporation's affairs and transfer its assets, liabilities, rights and obligations in accordance with the plan. Various rules regarding these transfers are set out. The Board shall notify the Minister of Tourism, Culture and Sport in writing as soon as possible after it has finished implementing the plan. Immunity from litigation arising from anything done or not done under this new section is provided for.

**SCHEDULE 31
ONTARIO PLACE CORPORATION REPEAL ACT, 2018**

The Schedule enacts the *Ontario Place Corporation Repeal Act, 2018*, which comes into force on proclamation of the Lieutenant Governor. The Act does the following:

1. Repeals the *Ontario Place Corporation Act*.
2. Dissolves the Ontario Place Corporation.
3. Transfers the dissolved Corporation's assets, liabilities, rights and obligations to the Crown in right of Ontario.
4. Immunity from litigation arising from anything done or not done under section 9.1 of the *Ontario Place Corporation Act* is provided for.
5. Makes consequential amendments to the *Canadian National Exhibition Association Act, 1983*.

**SCHEDULE 32
PAY TRANSPARENCY ACT, 2018**

The date of commencement of the *Pay Transparency Act, 2018* is changed from January 1, 2019 to a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 33
PENSION BENEFITS ACT**

The *Pension Benefits Act* is amended. Here are some highlights:

A technical amendment is made to the definition of "specified beneficiary" in subsection 1 (1) of the Act.

New section 30.1.1 is added to the Act to allow for the electronic designation of beneficiaries.

Unproclaimed section 39.1 of the Act, which permits the establishment of variable benefit accounts, is amended to allow for the withdrawal of up to 50 per cent of the amount transferred to the account at the time it is established.

Amendments are made to section 43.1 of the Act. That section currently 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. Amendments are made to clarify the requirements. The amendments also provide that the administrator is deemed not to have been discharged if it is discovered that the purchase did not meet the requirements. Enforcement provisions are added.

A new section 50.0.1 of the Act is added to permit a pension plan to pay the commuted value of a deferred pension to a former member who is a non-resident of Canada. If the former member has a spouse, the spouse must have waived any rights they have in the pension fund.

Various consequential amendments relating to sections 39.1, 43.1 and 50.0.1 of the Act are made to section 67.

Subsection 79.1 (2) of the Act is amended to provide that a transfer of assets relating to the provision of defined contribution benefits is permitted if the transfer is authorized under section 80.4.

Currently, section 80.4 of the Act governs a conversion that is implemented through a transfer of assets and liabilities from a single employer pension plan to another pension plan that is a jointly sponsored pension plan. Subsection 80.4 (3) is re-enacted to clarify that the transfer of assets in respect of defined contribution benefits must comply with such requirements as may be prescribed.

The Schedule amends section 100 of the Act with respect to the publication of agreements with designated jurisdictions. The current requirements for publication of information about agreements and amendments to agreements entered into before January 1, 2019 are repealed on a date to be named by proclamation of the Lieutenant Governor, as is a related regulation-making authority. The Schedule provides that specified information about agreements and amendments to agreements entered into on and after January 1, 2019 must be published in *The Ontario Gazette*.

The Act is amended by adding a new section 102.3 with respect to The Essar Steel Algoma Inc. Wrap Pension Plan for which Essar Steel Algoma Inc. is the employer. Subject to certain conditions, the section permits the making of regulations to create exemptions from subsections 55 (1) and 57 (3) or (4).

Other technical and consequential amendments are made.

SCHEDULE 34 PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH ACT, 2007

The *Provincial Advocate for Children and Youth Act, 2007* is amended to require the Provincial Advocate for Children and Youth to limit his or her provision of advocacy and to not commence a new investigation on the day the Ombudsman's functions are expanded by amendments to the *Ombudsman Act* set out in another Schedule to the Bill. The Act is repealed on the earlier of May 1, 2019 and a day to be named by proclamation of the Lieutenant Governor. Requirements are placed on the Advocate with respect to the resolution and referral to the Ombudsman of ongoing matters. Consequential amendments are made to the *Child, Youth and Family Services Act, 2017*.

SCHEDULE 35 PUBLIC SERVICE OF ONTARIO ACT, 2006

The Schedule transfers the powers and duties of the Conflict of Interest Commissioner under the *Public Service of Ontario Act, 2006* to the Integrity Commissioner.

Transitional provisions are set out.

SCHEDULE 36 RESIDENTIAL TENANCIES ACT, 2006

The Schedule amends the *Residential Tenancies Act, 2006* to provide new exemptions from various rules relating to rent, including rules relating to the rent increase guideline.

The following categories of rental units are exempt under new section 6.1:

1. Rental units located in a building, mobile home park or land lease community, or located in an addition to a building, mobile home park or land lease community, if no part of the building, mobile home park or land lease community, or no part of the addition, was occupied for residential purposes on or before November 15, 2018.
2. Rental units located in a detached house, semi-detached house or row house, if the rental units and the house meet specified requirements.

The new exemptions do not apply with respect to rental units that are subject to a tenancy in respect of which a tenancy agreement was entered into on or before November 15, 2018, but those exemptions apply with respect to any subsequent tenancy.

New section 6.1 sets out transition rules relating to rental units that are subject to a tenancy in respect of which a tenancy agreement was entered into after November 15, 2018 but before the day the exemptions come into force.

SCHEDULE 37 RETAIL SALES TAX ACT

The Schedule amends the *Retail Sales Tax Act* by repealing section 14.1, which permits the Minister of Finance to make small business transition support payments to eligible businesses, amending subsection 23 (4) and repealing clause 48 (3) (v). The Schedule also revokes Ontario Regulation 318/10 (Small Business Transition Support).

SCHEDULE 38 SECURITIES ACT

The Schedule amends the *Securities Act*. The major elements of the Schedule are set out below.

A new Part is added with respect to the regulation of benchmarks. Benchmark administrators may apply to be designated or to have a benchmark designated. This designation has a number of legal effects. In particular, the use of non-designated

benchmarks may be prohibited by the rules. The Ontario Securities Commission (the Commission) may require information to be provided to a designated benchmark administrator in relation to the designated benchmark.

Benchmark administrators and contributors, including their respective directors, officers and employees, and any of their service providers or security holders that are in a prescribed class, are required to comply with various benchmark requirements that may be established under the Commission's new rule-making powers with respect to benchmarks. Benchmark users are also required to comply with many of these requirements.

The Act is amended to prohibit engaging or participating in the provision of false or misleading information for the purpose of determining a benchmark. It also prohibits conduct that improperly influences the determination of a benchmark.

**SCHEDULE 39
SPECIAL HOCKEY DAY ACT, 2018**

The Schedule enacts the *Special Hockey Day Act, 2018*, which proclaims March 27, 2019 as Special Hockey Day to coincide with the start of the 25th annual Special Hockey International tournament in Toronto.

**SCHEDULE 40
SUCCESSION DUTY LEGISLATION REPEAL ACT, 2009**

The *Succession Duty Legislation Repeal Act, 2009* is repealed. Section 1 of *The Succession Duty Repeal Act, 1979* is also repealed.

**SCHEDULE 41
SUPPLEMENTARY INTERIM APPROPRIATION FOR 2018-2019 ACT, 2018**

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

**SCHEDULE 42
TAXATION ACT, 2007**

The Schedule makes various amendments to the *Taxation Act, 2007*.

Subsection 9 (10) of the Act provides for the pension tax credit. That subsection is amended to allow for, by reference to provisions of the *Income Tax Act (Canada)* (the Federal Act), the inclusion of amounts received under the *Veterans Well-being Act (Canada)* in the calculation of the credit.

Section 12.1 of the Act imposes an additional tax on split income. This section is amended to allow an individual, for taxation years ending after December 31, 2017, to reduce his or her tax on split income by any amount deducted in respect of the mental or physical impairment tax credit or the tax credit for a dependant with a mental or physical impairment, as well as by the amounts by which the tax on split income can currently be reduced.

Section 19.1 provides the Ontario dividend tax credit for years 2016 and later. The section is amended to maintain the rate for the Ontario dividend tax credit in respect of dividends from corporations resident in Canada that are not eligible dividends for taxation years 2018 and later.

The Act is amended by adding section 21.1, which provides for the low-income individuals and families tax credit. The credit allows an eligible individual to deduct up to \$850 from his or her tax payable for the year. The amount that may be claimed is determined in accordance with the individual's employment income and is reduced based on the individual's personal adjusted income or family adjusted income. Consequential amendments are made to sections 20 and 21.

Section 31 of the Act provides for the Ontario small business deduction. Currently, a deduction for a year cannot be claimed unless the corporation has made a deduction under section 125 of the Federal Act, which provides for the federal small business deduction. Section 31 is amended to allow a corporation to claim the deduction if the corporation would have been able to claim the small business tax deduction under section 125 of the Federal Act but for the application of subsection 125 (5.1) of that Act.

**SCHEDULE 43
TRILLIUM TRUST ACT, 2014**

The Schedule amends the *Trillium Trust Act, 2014* to provide that the Act has no application after the fiscal year ending March 31, 2019. The Schedule also repeals the Act as of April 1, 2019 and revokes the regulations made under it as of that date.

SCHEDULE 44
WHITE PINES WIND PROJECT TERMINATION ACT, 2018

Section 6 of the *White Pines Wind Project Termination Act, 2018* provides for the payment of compensation to wpd White Pines Wind Incorporated as a result of the cancellation of the White Pines Wind Project. The Schedule makes various amendments to section 6 of the Act, including the following amendments:

1. The Schedule amends section 6 to provide that the compensation may comprise multiple payments (subsection 6 (3.1) of the Act).
2. Subsection 6 (6) of the Act is re-enacted to provide that compensation of an amount is payable only if wpd White Pines Wind Incorporated provides specified accounting and other information respecting the amount in accordance with the requirements of that subsection.
3. Subsection 6 (9.1) is added to address overpayment under the section.

Related amendments are made to the regulation-making authority in section 7, including the addition of subclause 7 (1) (c.2) (i), which sets out authority for the Lieutenant Governor in Council to specify preconditions to the calculation or payment of compensation under section 6.

SCHEDULE 45
VARIOUS ACTS — OFFICERS OF THE ASSEMBLY

Amendments are made to various Acts to reflect amendments regarding officers of the Assembly that are made elsewhere in the Bill. In addition, amendments are made to the French versions of various Acts with respect to the French equivalent of the term “officer”.

An Act to enact, amend and repeal various statutes

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Schedule 36	Residential Tenancies Act, 2006
Schedule 37	Retail Sales Tax Act
Schedule 38	Securities Act
Schedule 39	Special Hockey Day Act, 2018
Schedule 40	Succession Duty Legislation Repeal Act, 2009
Schedule 41	Supplementary Interim Appropriation for 2018-2019 Act, 2018
Schedule 42	Taxation Act, 2007
Schedule 43	Trillium Trust Act, 2014
Schedule 44	White Pines Wind Project Termination Act, 2018
Schedule 45	Various Acts — Officers of the Assembly

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 *Restoring Trust, Transparency and Accountability Act, 2018*.

SCHEDULE 1
ALCOHOL AND GAMING REGULATION AND PUBLIC PROTECTION ACT, 1996

1 (1) Subsection 26 (1.1) of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* is amended by striking out “2016, 2017 and 2018” in the portion before paragraph 1 and substituting “2016 and 2017”.

(2) Section 26 of the Act is amended by adding the following subsection:

Transition re beer tax increase effective November 1, 2018

(1.2) If, before the day the *Restoring Trust, Transparency and Accountability Act, 2018* received Royal Assent, a purchaser paid a beer vendor an amount in respect of the increase in the basic tax on beer that was scheduled to take effect on November 1, 2018 under subsection 26 (1.1) as it read immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* received Royal Assent, or if a beer vendor paid an amount in respect of that increase to another beer vendor, the following rules apply:

1. The amount paid in respect of the increase is deemed not to have been paid to the beer vendor as tax or as an amount on account of tax.
2. The amount paid in respect of the increase is deemed to have been paid to the beer vendor as part of the purchase price otherwise owing to the beer vendor.

Commencement

2 (1) Subject to subsection (2), this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Subsection 1 (1) is deemed to have come into force on October 31, 2018.

**SCHEDULE 2
ASSESSMENT ACT**

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

Royal Canadian Legion

- 15.1 Land that is used and occupied as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.

Commencement

2 This Schedule comes into force on January 1, 2019.

**SCHEDULE 3
AUDITOR GENERAL ACT**

1 Section 1 of the *Auditor General Act* is amended by adding the following definition:

“recognized party” has the same meaning as in subsection 62 (5) of the *Legislative Assembly Act*; (“parti reconnu”)

2 Sections 2 to 6 of the Act are repealed and the following substituted:

Auditor General

2 (1) There shall be an Auditor General who is an officer of the Assembly.

Appointment

(2) The Assembly shall, by order, appoint the Auditor General.

Same, conditions

(3) An order appointing the Auditor General shall be made only after,

- (a) unless decided otherwise by unanimous consent of the Assembly, the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member; and
- (b) the chair of the standing Public Accounts Committee of the Assembly has been consulted.

Office of the Auditor General

3 The Office of the Auditor General consists of the Auditor General, the Deputy Auditor General, the Advertising Commissioner, the Commissioner of the Environment appointed under section 50 of the *Environmental Bill of Rights, 1993* and such other employees as the Auditor General may require for the proper conduct of the business of the Office.

Term of office

4 (1) The Auditor General shall hold office for a term of 10 years and may not be reappointed for another term.

Reappointment after resignation

(2) Despite subsection (1), if an Auditor General resigns before the expiry of his or her term of office, he or she may be reappointed for a second term that expires no later than at the expiry of the original term.

Selection by panel

(3) Subsection 2 (3) applies with respect to a reappointment under subsection (2) of this section.

Continuation in office

(4) By order of the Assembly, the Auditor General may continue to hold office after expiry of his or her term of office until a temporary Auditor General is appointed under section 5.3 or until a successor is appointed.

Transition

(5) The Auditor General in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent shall continue to hold office for the remainder of his or her term and may not be reappointed for another term.

Removal or suspension

5 (1) The Assembly may, by order,

- (a) remove the Auditor General from office for cause; or
- (b) suspend the Auditor General where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board may suspend the Auditor General where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Auditor General is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Auditor General is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

(7) For the purposes of this section and sections 5.3 and 5.5, the Assembly is not in session when it is,

- (a) prorogued; or
- (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Salary and benefits

5.1 (1) The Board shall determine the salary and benefits of the Auditor General, which shall be within the highest range of salaries paid to deputy ministers in the public service of Ontario, and the Auditor General is entitled to the privileges of office of a senior deputy minister.

Pension plan

(2) Subject to subsections (3) and (4), the Auditor General is a member of the Public Service Pension Plan.

Notice re pension plan

(3) Within 60 days after his or her appointment takes effect, the Auditor General may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan.

Same

(4) If the Auditor General gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect.

Expenses

(5) Subject to the approval of the Board, the Auditor General is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Transition

(6) The salary and benefits of the Auditor General in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent continue to be determined in accordance with section 5, clause 22 (1) (a) and subsection 22 (1.1) of this Act, as they read immediately before that day, for the remainder of the Auditor General's term of office.

Designation by the Auditor General

5.2 (1) The Auditor General shall designate an individual from among the employees of the Office of the Auditor General who shall have the powers and duties of the Auditor General if the Auditor General is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Auditor General unless a temporary Auditor General is appointed under section 5.3.

Salary

(4) The Board may increase the salary of an individual who assumes the powers and duties of the Auditor General under subsection (1) in such circumstances as the Board considers appropriate.

Temporary Auditor General

5.3 (1) If the Auditor General is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Auditor General.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by a unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Auditor General is unable to fulfil the duties of his or her office or the office becomes vacant, the Board may appoint a temporary Auditor General.

Powers, salary and benefits

(4) A temporary Auditor General shall have the powers and duties of the Auditor General and shall be paid a salary and benefits determined by the Board and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

(5) A temporary Auditor General shall hold office until,

- (a) the Auditor General is able to fulfil the duties of the office, where the appointment resulted from the Auditor General being unable to do so;
- (b) where the appointment resulted from a suspension of the Auditor General, the suspension is revoked by order of the Assembly, by the Board under subsection 5 (4) or by operation of subsection 5 (5);
- (c) the Assembly appoints a different temporary Auditor General under subsection (1); or
- (d) the Assembly appoints an Auditor General under section 2.

Subsequent appointment not prohibited

5.4 A person who serves as a temporary Auditor General under section 5.3 is not prohibited from appointment as Auditor General under section 2 and, in the case of such an appointment, the previous time in office does not count toward the term of office set out in subsection 4 (1).

Restrictions re other work, etc.

5.5 (1) The Auditor General shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board when the Assembly is not in session, hold any other office or employment.

Exception

(2) Despite subsection (1), the Auditor General may hold more than one office to which he or she has been appointed by the Assembly or the Board.

Oath of office

5.6 (1) Before beginning the duties of his or her office, the Auditor General shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office.

Same

(2) The Speaker or the Clerk of the Assembly shall administer the oath or affirmation.

Nature of office

5.7 (1) The Auditor General holds office for a fixed term and is not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, an employee of the Assembly or an employee of the Office of the Auditor General.

Notice not required

(2) No notice to the Auditor General is required before the expiry of the Auditor General's term of office.

Protection from liability

5.8 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 3 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before the expiry of a term of office of the Auditor General;
- (b) not being appointed or reappointed, or considered for appointment or reappointment, as the Auditor General;
- (c) removal or suspension of the Auditor General; or
- (d) any decision of the Board regarding the salary or benefits of the Auditor General.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Auditor General and the employees of the Office of the Auditor General.

Appointment of Deputy Auditor General

6 The Auditor General may appoint a person to act as Deputy Auditor General.

3 Subsections 22 (3), (4) and (5) of the Act are repealed.

4 Subsection 27 (1) of the Act is amended by striking out “the Deputy Auditor General, the Advertising Commissioner, any person employed in” and substituting “the Deputy Auditor General, the Advertising Commissioner, the Commissioner of the Environment appointed under section 50 of the *Environmental Bill of Rights, 1993*, any employee of”.

5 Subsection 27.1 (1) of the Act is amended by striking out “the Deputy Auditor General, the Advertising Commissioner and each person employed in the Office of the Auditor General or” and substituting “the Deputy Auditor General, the Advertising Commissioner, the Commissioner of the Environment appointed under section 50 of the *Environmental Bill of Rights, 1993*, each employee of the Office of the Auditor General and any person”.

6 Subsection 29 (4) of the Act is amended by striking out “sections 5 and 23” and substituting “subsection 5.1 (1) and section 23”.

7 The Act is amended by adding the following section:

Transitional regulations

30 (1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 3 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflict

(2) If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under any other Act, the regulation made under subsection (1) prevails.

Commencement

8 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

SCHEDULE 4
AUTOMOBILE INSURANCE RATE STABILIZATION ACT, 2003

1 The *Automobile Insurance Rate Stabilization Act, 2003* is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

2 The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

Commencement

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

**SCHEDULE 5
CITY OF TORONTO ACT, 2006**

1 (1) Section 98 of the *City of Toronto Act, 2006* is amended by striking out “smoking of tobacco” wherever it appears and substituting in each case “smoking of tobacco or cannabis”.

(2) The definition of “smoking of tobacco” in subsection 98 (6) of the Act is repealed.

(3) Section 98 of the Act is amended by adding the following subsection:

Application

(7) For greater certainty, a reference in this section to the smoking of tobacco or cannabis includes,

- (a) the holding of lighted tobacco or cannabis; and
- (b) the consumption of tobacco or cannabis through the use of an electronic cigarette.

Commencement

2 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 6
CIVIL REMEDIES ACT, 2001**

1 The *Civil Remedies Act, 2001* is amended by adding the following section:

Settlements

18.1 (1) Despite anything to the contrary in this Act, the court may approve a settlement in relation to a proceeding under this Act, on the motion or application of the Attorney General or of any other party to the proceeding with the Attorney General's consent.

Forfeiture

(2) For greater certainty, the power to approve a settlement under subsection (1) includes a power to approve a settlement that provides for the full or partial forfeiture of the property that is the subject of the proceeding.

Commencement

2 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 7
COMMODITY FUTURES ACT**

1 (1) Subsection 1 (1) of the *Commodity Futures Act* is amended by adding the following definitions:

“benchmark” means a price, estimate, rate, index or value that is,

- (a) determined, from time to time, by reference to an assessment of one or more underlying interests,
- (b) made available to the public, either free of charge or on payment, and
- (c) used for reference for any purpose, including,
 - (i) determining the interest payable, or other sums that are due, under a contract, derivative, instrument or security,
 - (ii) determining the value of a contract, derivative, instrument or security or the price at which it may be traded,
 - (iii) measuring the performance of a contract, derivative, investment fund, instrument or security, or
 - (iv) any other use by an investment fund; (“indice de référence”)

“benchmark administrator” means a person or company that administers a benchmark; (“administrateur d’indice de référence”)

“benchmark contributor” means a person or company that engages or participates in the provision of information for use by a benchmark administrator for the purpose of determining a benchmark, including a person or company subject to a decision under section 21.6; (“contributeur à un indice de référence”)

“benchmark user” means a person or company that, in relation to a contract, derivative, investment fund, instrument or security, uses a benchmark; (“utilisateur d’indice de référence”)

“designated benchmark” means a benchmark that is designated by the Commission under section 21.5; (“indice de référence désigné”)

“designated benchmark administrator” means a benchmark administrator that is designated by the Commission under section 21.5 in respect of a designated benchmark; (“administrateur d’indice de référence désigné”)

“director” means a director of a company or an individual performing a similar function or occupying a similar position for any person; (“administrateur”)

“investment fund” means a mutual fund or a non-redeemable investment fund; (“fonds d’investissement”)

(2) The definition of “market participant” in subsection 1 (1) of the Act is amended by adding “a designated benchmark administrator, a person or company that engages or participates in the provision of information for use by a benchmark administrator for the purpose of determining a designated benchmark” after “the general partner of a market participant”.

(3) Subsection 1 (1) of the Act is amended by adding the following definitions:

“mutual fund” means an issuer whose primary purpose is to invest money provided by its security holders and whose securities entitle the holder to receive, on demand or within a specified period after demand, an amount computed by reference to the value of a proportionate interest in the whole or in part of the net assets, including a separate fund or trust account, of the issuer; (“fonds mutuel”)

“non-redeemable investment fund” means an issuer,

- (a) whose primary purpose is to invest money provided by its security holders,
- (b) that does not invest,
 - (i) for the purpose of exercising or seeking to exercise control of an issuer, other than an issuer that is a mutual fund or a non-redeemable investment fund, or
 - (ii) for the purpose of being actively involved in the management of any issuer in which it invests, other than an issuer that is a mutual fund or a non-redeemable investment fund, and
- (c) that is not a mutual fund; (“fonds d’investissement à capital fixe”)

2 The Act is amended by adding the following Part:

**PART VII
BENCHMARKS**

Designation of benchmarks and benchmark administrators

21.5 (1) A benchmark administrator, or the Director, may apply to the Commission to request the designation of a benchmark or a benchmark administrator.

Director's application

(2) If the Director applies for a designation, the Commission shall give the affected benchmark administrator the opportunity to be heard before making a decision under subsection (3).

Commission's powers

(3) After receiving the application, the Commission may, if it considers it in the public interest to do so, designate the benchmark as a designated benchmark or designate the benchmark administrator as a designated benchmark administrator of a designated benchmark, as appropriate.

Terms and conditions

(4) A designation under subsection (3) may be made subject to any terms and conditions the Commission considers advisable.

Cancellation or change

(5) The Commission may, if it considers it in the public interest to do so, cancel the designation of a designated benchmark or a designated benchmark administrator or impose or change the terms and conditions of the designation.

Opportunity to be heard

(6) The Commission shall not refuse to designate a benchmark or benchmark administrator, cancel the designation of a designated benchmark or designated benchmark administrator or impose or change the terms and conditions to which a designation is subject without giving the benchmark administrator an opportunity to be heard.

Category

(7) The Commission may, if it considers it in the public interest to do so, assign a designated benchmark to a prescribed category or categories of designated benchmarks.

Requiring information

21.6 (1) The Commission may, in response to an application by the Director, require a person or company to provide information to a designated benchmark administrator in relation to the designated benchmark if the Commission considers it in the public interest to do so.

Opportunity to be heard

(2) The Commission shall give the affected person or company and benchmark administrator the opportunity to be heard before making the order.

Terms and conditions

(3) An order under subsection (1) may be made subject to any terms and conditions the Commission considers advisable.

Cancellation or change

(4) The Commission may, if it considers it in the public interest to do so, cancel or change an order made under subsection (1) or impose or change the terms and conditions of the order.

Opportunity to be heard

(5) The Commission shall not cancel or change an order made under subsection (1) or impose or change the terms and conditions of the order without giving the person or company and the benchmark administrator an opportunity to be heard.

Duty to comply**Benchmark administrator**

21.7 (1) A benchmark administrator shall comply with such requirements as may be prescribed by the regulations, including requirements,

- (a) relating to benchmarks, benchmark administrators, benchmark contributors and benchmark users; and
- (b) relating to the establishment, publication and enforcement of a code of conduct by a benchmark administrator.

Benchmark contributor

(2) A benchmark contributor shall comply with such requirements as may be prescribed by the regulations, including requirements relating to benchmarks, benchmark administrators, benchmark contributors and benchmark users.

General

(3) Benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a prescribed class, shall comply with,

- (a) any code of conduct established by a benchmark administrator in accordance with the regulations;

- (b) requirements established by the regulations relating to the prohibitions against and procedures regarding conflicts of interest involving a benchmark and benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a prescribed class; and
- (c) requirements established by the regulations relating to the prohibition or restriction of any matter or conduct involving a benchmark.

Benchmark user

- (4) A benchmark user shall comply with such requirements as may be prescribed by the regulations, including requirements,
 - (a) relating to benchmarks, benchmark administrators, benchmark contributors and benchmark users;
 - (b) prohibiting the use of a non-designated benchmark; and
 - (c) relating to disclosure and other requirements relating to the use of a benchmark.

3 The Act is amended by adding the following sections:

Benchmark — false or misleading information

59.3 (1) A person or company shall not, directly or indirectly, engage or participate in the provision of information to another person or company for the purpose of determining a benchmark if the person or company knows or reasonably ought to know that the information, at the time and in the circumstances in which it is provided, is false or misleading.

Attempt

(2) A person or company shall not, directly or indirectly, attempt to engage or participate in the conduct described in subsection (1).

Benchmark manipulation

59.4 (1) A person or company shall not, directly or indirectly, engage or participate in conduct relating to a benchmark that improperly influences the determination of the benchmark or produces or contributes to the production of a false or misleading determination of the benchmark.

Attempt

(2) A person or company shall not, directly or indirectly, attempt to engage or participate in the conduct described in subsection (1).

4 Subsection 65 (1) of the Act is amended by adding the following paragraphs:

- 34. Prescribing a category or categories of designated benchmarks for the purposes of subsection 21.5 (7).
- 35. Prescribing classes of service providers or security holders for the purposes of subsection 21.7 (3).
- 36. Prescribing requirements relating to,
 - i. the designation of a benchmark or benchmark administrator under section 21.5,
 - ii. the making of orders under section 21.6,
 - iii. the disclosure or furnishing of information to the Commission, the public or any person or company by a benchmark administrator, a benchmark contributor or a benchmark user, including requirements for disclosure statements by a benchmark administrator in relation to a benchmark,
 - iv. the quality, integrity and sufficiency of the data and the methodology used by a benchmark administrator to determine a benchmark, including requirements for a benchmark administrator to monitor benchmark contributors and data provided by benchmark contributors,
 - v. the establishment, publication and enforcement by a benchmark administrator of codes of conduct applicable to benchmark administrators or benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a class prescribed under paragraph 35, and the minimum requirements to be included in such a code of conduct,
 - vi. contractual arrangements related to a benchmark to be entered into by a benchmark administrator or a benchmark contributor and the minimum requirements to be included in the contractual arrangements,
 - vii. the use by a benchmark administrator and a benchmark contributor of service providers,
 - viii. prohibitions against and procedures regarding conflicts of interest involving a benchmark and benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a class prescribed under paragraph 35, including,
 - A. procedures to be followed to avoid conflicts of interest,
 - B. procedures to be followed if conflicts of interest arise,

- C. requirements for separation of roles, functions and activities, and
 - D. restrictions on ownership of a benchmark or benchmark administrator,
 - ix. prohibitions against the use of a benchmark that is not a designated benchmark by a benchmark user,
 - x. disclosure and other requirements respecting the use of a benchmark by a benchmark administrator, benchmark contributor or benchmark user,
 - xi. requiring information in relation to a benchmark to be provided for use by the benchmark administrator,
 - xii. the maintenance of books and records necessary for the conduct of a benchmark administrator's business and the establishment and maintenance of a benchmark,
 - xiii. the maintenance of books and records by a benchmark contributor relating to a benchmark,
 - xiv. the appointment by benchmark administrators and benchmark contributors of one or more compliance officers and any minimum standards that must be met or qualifications a compliance officer must have,
 - xv. the prohibition or restriction of any matter or conduct involving a benchmark by benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a class prescribed under paragraph 35,
 - xvi. the design, determination and dissemination of a benchmark,
 - xvii. plans of a benchmark user where a benchmark changes or ceases to be provided and how these plans will be reflected in the contractual arrangements of the benchmark user,
 - xviii. the governance, compliance, accountability, oversight, audit, internal controls, policies and procedures of a benchmark administrator or benchmark contributor in respect of a benchmark,
 - xix. the governance, compliance, accountability, oversight, audit, internal controls, policies and procedures of a benchmark administrator, benchmark contributor or benchmark user in respect of the use of a benchmark.
37. Regulating submissions of information for the purposes of determining a benchmark.
38. Requiring benchmark administrators or benchmark contributors to,
- i. establish plans in the event that a benchmark changes or ceases to be provided or is subject to data failures or business continuity issues, and
 - ii. reflect the plans referred to in subparagraph i in the contractual arrangements of the benchmark administrator or benchmark contributor relating to the benchmark.
39. Governing or restricting the payment of fees or other compensation to a benchmark administrator or benchmark contributor.

Commencement

5 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 8
CONSTRUCTION ACT**

1 Section 1 of the *Construction Act* is amended by adding the following subsection:

Commencement of a procurement process

- (4) For the purposes of this Act, a procurement process is commenced on the earliest of the making of,
- (a) a request for qualifications;
 - (b) a request for quotation;
 - (c) a request for proposals; or
 - (d) a call for tenders.

2 The French version of subsection 6 (1) of the Act is amended by striking out “ne se conforment pas rigoureusement” and substituting “ne sont pas rigoureusement conformes”.

3 (1) Clause 13.3 (2) (a) of the Act is repealed and the following substituted:

- (a) subject to the regulations, set fees, costs or other charges related to the administration of adjudication under this Part, including fees, costs or charges for the training and qualification of persons as adjudicators or for the appointment of adjudicators, and require their payment; and

(2) Section 13.3 of the Act is amended by adding the following subsections:

Setting fees

- (3) In setting the fees, costs and charges referred to in clause (2) (a), the Authority may, subject to the regulations, specify their amounts or the method for determining the amounts.

Fee retention

- (4) Money collected by the Authority under clause (2) (a),
- (a) is revenue belonging to the Authority and not public money within the meaning of the *Financial Administration Act*; and
 - (b) may be retained and used by the Authority for its own account.

4 Section 13.6 of the Act is repealed and the following substituted:

Adjudication procedures

13.6 (1) An adjudication shall be conducted in accordance with the adjudication procedures set out in this Part, the regulations, and, subject to subsection (2), any additional adjudication procedures that may be set out in the contract or subcontract.

Same

- (2) Adjudication procedures set out in a contract or subcontract apply only to the extent that they do not conflict with this Part and the regulations, and their application is subject to the exercise of the adjudicator’s powers under section 13.12.

5 Subsection 13.8 (3) of the Act is amended by adding the following paragraph:

- 2.1 The reference in clause 13.11 (b) to the other party shall be read as a reference to every other party.

6 Section 13.11 of the Act is repealed and the following substituted:

Documents to adjudicator, party

13.11 No later than five days after an adjudicator agrees or is appointed to conduct the adjudication, the party who gave the notice of adjudication shall,

- (a) provide to the adjudicator a copy of the notice; and
- (b) provide to the adjudicator and to the other party a copy of the contract or subcontract and any documents the party intends to rely on during the adjudication.

Response to notice

13.11.1 A party who receives a notice of adjudication may, in accordance with the regulations, respond in writing.

7 The English version of paragraph 5 of subsection 13.18 (5) of the Act is amended by,

- (a) striking out “did not comply” and substituting “did not accord”; and
- (b) striking out “failure to comply” and substituting “failure to accord”.

8 (1) Section 27.1 of the Act is repealed and the following substituted:

Non-payment of holdback

By owner

27.1 (1) An owner may refuse to pay some or all of the amount the owner is required to pay to a contractor under section 26 or 27, as the case may be, if,

- (a) the owner publishes a notice in the prescribed form specifying the amount of the holdback that the owner refuses to pay, and the notice is published in the manner set out in the regulations no later than 40 days after the date on which,
 - (i) the applicable certification or declaration of substantial performance is published under section 32, or
 - (ii) if no certification or declaration of substantial performance is published, the date on which the contract is completed, abandoned or terminated; and
- (b) the owner notifies, in accordance with the regulations, if any, the contractor of the publication of the notice.

By contractor

(2) A contractor may refuse to pay some or all of the amount the contractor is required to pay to a subcontractor under section 26 or 27, as the case may be, if,

- (a) the owner refuses to pay some or all of the amount the owner is required to pay to the contractor under that section; and
- (b) the contractor notifies, in accordance with the regulations, if any, every subcontractor to whom the contractor is required to pay the amount that the amount is not being paid.

By subcontractor

(3) A subcontractor may refuse to pay some or all of the amount the subcontractor is required to pay to another subcontractor under section 26 or 27, as the case may be, if,

- (a) the contractor refuses to pay some or all of the amount the contractor is required to pay to the subcontractor under that section; and
- (b) the subcontractor notifies, in accordance with the regulations, if any, every subcontractor to whom the subcontractor is required to pay the amount that the amount is not being paid.

Same

(4) Subsection (3) applies, with necessary modifications, with respect to a subcontractor who receives notice under that subsection.

(2) Clauses 27.1 (2) (a) and (b) of the Act, as re-enacted by subsection (1), are repealed and the following substituted:

- (a) the owner refuses to pay some or all of the amount the owner is required to pay to the contractor under that section;
- (b) the contractor refers the matter to adjudication under Part II.1; and
- (c) the contractor notifies, in accordance with the regulations, if any, every subcontractor to whom the contractor is required to pay the amount that the amount is not being paid and that the matter is being referred to adjudication.

(3) Clauses 27.1 (3) (a) and (b) of the Act, as re-enacted by subsection (1), are repealed and the following substituted:

- (a) the contractor refuses to pay some or all of the amount the contractor is required to pay to the subcontractor under that section;
- (b) the subcontractor refers the matter to adjudication under Part II.1; and
- (c) the subcontractor notifies, in accordance with the regulations, if any, every subcontractor to whom the subcontractor is required to pay the amount that the amount is not being paid and that the matter is being referred to adjudication.

9 Clauses 32 (2) (e) and (f) of the Act are repealed and the following substituted:

- (e) if the lien attaches to the premises, a legal description of the premises, including all property identifier numbers and addresses for the premises; and
- (f) if the lien does not attach to the premises, a concise description of the premises, including addresses, and the name and address of the person or body to whom a copy of the claim for lien must be given under section 34.

10 The French version of clause 36 (3) (a) of the Act is amended by striking out “de résilier” and substituting “d’annuler”.

11 (1) Subparagraph 1 i of subsection 39 (1) of the Act is repealed and the following substituted:

- i. the names of the parties to the contract, the date on which the contract was entered into and the date on which any applicable procurement process was commenced,

(2) Subparagraph 2 i of subsection 39 (1) of the Act is repealed and the following substituted:

- i. the names of the parties to a subcontract and the date on which the subcontract was entered into,

12 (1) The French version of subsection 44 (1) of the Act is amended by striking out “de résiliation” in the portion before clause (a) and substituting “d’annulation”.

(2) The French version of subsections 44 (2) and (3) of the Act are amended by striking out “de résiliation” wherever it appears and substituting in each case “d’annulation”.

(3) The French version of subsection 44 (3.1) of the Act is amended by striking out “résilie” and substituting “annule”.

(4) The French version of subsection 44 (4) of the Act is amended by striking out “la résiliation” and substituting “l’annulation”.

(5) The French version of subsection 44 (8) of the Act is amended by striking out “de résiliation” and substituting “d’annulation”.

13 The French version of subsection 45 (1) of the Act is amended by striking out “la résiliation” in the portion before clause (a) and substituting “l’annulation”.

14 The French version of subsection 46 (1) of the Act is amended by striking out “résiliant” and substituting “annulant”.

15 (1) The French version of paragraph 1 of subsection 47 (1.1) of the Act is amended by striking out “de résiliation” and substituting “d’annulation”.

(2) The French version of subsection 47 (2) of the Act is amended by striking out “résilié” and substituting “annulé”.

16 The French version of section 49 of the Act is amended by striking out “la résiliation” and substituting “l’annulation”.

17 (1) The French version of subsection 58 (4.1) of the Act is amended by striking out “à qui un renvoi a été ordonné” at the end and substituting “qui est saisie d’un renvoi”.

(2) The French version of subsection 58 (4.2) of the Act is amended by striking out “juge et chef de la Cour des petites créances” and substituting “juge et chef de l’administration de la Cour des petites créances”.

18 The English version of subsection 74 (2) of the Act is amended by,

- (a) striking out “releases” and substituting “discharges”; and
- (b) striking out “released” at the end and substituting “discharged”.

19 (1) Section 87.3 of the Act is repealed and the following substituted:

Transition

Continued application of *Construction Lien Act* and regulations

87.3 (1) This Act and the regulations, as they read on June 29, 2018, continue to apply with respect to an improvement if,

- (a) a contract for the improvement was entered into before July 1, 2018;
- (b) a procurement process for the improvement was commenced before July 1, 2018 by the owner of the premises; or
- (c) in the case of a premises that is subject to a leasehold interest that was first entered into before July 1, 2018, a contract for the improvement was entered into or a procurement process for the improvement was commenced on or after July 1, 2018 and before the day subsection 19 (1) of Schedule 8 to the *Restoring Trust, Transparency and Accountability Act, 2018* came into force.

Same

(2) For greater certainty, clauses (1) (a) and (c) apply regardless of when any subcontract under the contract was entered into.

(2) Section 87.3 of the Act, as re-enacted by subsection (1), is amended by adding the following subsection:

Exception, municipal interest in premises

(3) Despite subsection (1), the amendments made to this Act by subsections 13 (4), 14 (4) and 29 (2) and (4) of the *Construction Lien Amendment Act, 2017* apply with respect to an improvement to a premises in which a municipality has an interest, even if a contract for the improvement was entered into or a procurement process for the improvement was commenced before July 1, 2018.

(3) Section 87.3 of the Act, as re-enacted by subsection (1), is amended by adding the following subsection:

Non-application of Parts I.1 and II.1

(4) Parts I.1 and II.1 do not apply with respect to the following contracts and subcontracts:

1. A contract entered into before the day subsection 11 (1) of the *Construction Lien Amendment Act, 2017* came into force.
2. A contract entered into on or after the day subsection 11 (1) of the *Construction Lien Amendment Act, 2017* came into force, if a procurement process for the improvement that is the subject of the contract was commenced before that day by the owner of the premises.
3. A subcontract made under a contract referred to in paragraph 1 or 2.

20 (1) Clause 88 (1) (e) of the Act is repealed and the following substituted:

(e) governing the setting of fees, costs and charges by the Authorized Nominating Authority under clause 13.3 (2) (a);

(2) Clause 88 (1) (h) of the Act is amended by striking out “for the purposes of subsection 13.6 (2)” at the end.

(3) Subsection 88 (1) of the Act is amended by adding the following clauses:

- (i.1) governing the determination of fees by the Authorized Nominating Authority under clause 13.10 (2) (b);
- (i.2) governing responses for the purposes of section 13.11.1, including specifying the time and manner in which responses must be provided and setting out information they must contain or any other requirements they must meet;

Revised Statutes Confirmation and Corrections Act, 1993

21 Sections 3 to 10 of the *Revised Statutes Confirmation and Corrections Act, 1993* are repealed.

Commencement

22 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Sections 3 to 7, subsections 8 (2) and (3) and 19 (3) and section 20 come into force on the later of the day subsection 11 (1) of the *Construction Lien Amendment Act, 2017* comes into force and the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(3) Subsection 19 (2) comes into force on the later of the day subsection 13 (4) of the *Construction Lien Amendment Act, 2017* comes into force and the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 9
CO-OPERATIVE CORPORATIONS ACT**

1 The *Co-operative Corporations Act* is amended by adding the following section:

Designation by Lieutenant Governor in Council

1.2 The Lieutenant Governor in Council may designate a person to exercise any powers or perform any duties of the Minister under this Act, subject to any restrictions set out in the designation.

2 Subsection 37 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Inspection of statement

(1) A copy of a statement for which a receipt has been issued under section 36 shall be open to inspection,

3 The English version of subsection 148 (2) of the Act is amended by striking out “Superintendent’s” and substituting “Minister’s”.

4 Clause 149 (b) of the Act is amended by striking out “recommend to the Minister that the Minister”.

5 The English version of subsection 174 (1) of the Act is amended by striking out “or the Superintendent respectively”.

6 Section 178 of the Act is amended by striking out “the Superintendent” wherever it appears.

7 (1) Subsection 179 (1) of the Act is repealed and the following substituted:

Proof by affidavit

(1) The Minister may require that any fact relevant to the performance of the duties of the Minister under this Act or the regulations be verified by affidavit or otherwise.

(2) Subsection 179 (2) of the Act is amended by striking out “or the Superintendent”.

8 Subsection 181 (1) of the Act is repealed and the following substituted:

Searches

(1) Upon payment of the fee established by the Minister, any person is entitled to examine any document filed or issued under this Act or any predecessor thereof, and to make extracts from the document.

9 The Act is amended by adding the following section:

Transition, continuing proceedings and activities

185.1 Proceedings and other activities that, on the day section 12 of Schedule 9 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, are commenced or conducted by the Superintendent, or to which the Superintendent is a party, and that are ongoing are deemed to be proceedings and other activities commenced or conducted by the Minister, or to which the Minister is a party, and shall be continued as such.

10 Section 186 of the Act is amended by adding the following subsection:

Regulations re transfer of Superintendent powers, duties and functions

(2) The Lieutenant Governor in Council may make regulations governing transitional matters that may arise due to the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Minister.

11 Section 187 of the Act is repealed and the following substituted:

Forms

187 (1) The Minister may require that forms approved by the Minister be used for any purpose under this Act.

Fees

(2) The Minister may, by order, establish and charge fees, and provide for the waiver or refund of all or any part of any of those fees,

(a) for anything that the Minister is required or authorized to do under this Act; and

(b) for search reports, copies of documents or information, filing of documents or other services under this Act.

Non-application of *Legislation Act, 2006*

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made by the Minister under subsection (2).

12 The Act is amended by striking out “Minister or the Superintendent” wherever it appears and substituting in each case “Minister”.

13 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Minister”, except in the following provisions:

- 1.** The definition of “Superintendent” in subsection 1 (1).
- 2.** Subsection 186 (2).

Building Ontario Up Act (Budget Measures), 2015

14 Section 2 of Schedule 7 to the *Building Ontario Up Act (Budget Measures), 2015* is repealed.

Commencement

15 (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Sections 11 and 14 come into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 10
COURTS OF JUSTICE ACT**

1 The *Courts of Justice Act* is amended by adding the following section:

Family law mediation and information services

149 (1) In this section,

“agreement” includes a contract or other instrument; (“accord”)

“service provider” means a person or entity that has entered into an agreement with the Crown in right of Ontario under subsection (2). (“fournisseur de services”)

Agreements with service providers

(2) The Attorney General may, on behalf of the Crown in right of Ontario, enter into agreements with one or more persons or entities for the provision of mediation and information services in relation to family law matters, as specified in the agreements.

Fees

(3) Fees for the provision of the mediation services may be collected by or on behalf of a service provider to the extent permitted and in accordance with the agreement entered into by the service provider under subsection (2).

Same

(4) Fees collected by or on behalf of a service provider in accordance with subsection (3) are not public money within the meaning of the *Financial Administration Act*, but the fees must be used by the service provider only for or in relation to the provision of the mediation and information services, as specified in the agreement, or for any other purpose specified in the agreement.

Same, publication

(5) The Ministry of the Attorney General shall publish the fees payable under subsection (3) on a Government of Ontario website.

Commencement

2 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 11
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

1 The definitions of “Corporation” and “deposit insurer” in section 1 of the *Credit Unions and Caisses Populaires Act, 1994* are repealed.

2 The heading to Part XIV of the Act is amended by striking out “Deposit Insurance Corporation of Ontario” and substituting “Intervention, Supervision and Deposit Insurance”.

3 Sections 249 to 257, 260 and 261 of the Act are repealed.

4 (1) Subsection 262 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Powers of Authority

(1) The Authority may, in furtherance of its objects in respect of credit unions, as set out in section 3 of the *Financial Services Regulatory Authority of Ontario Act, 2016*,

(2) Clauses 262 (1) (f) and (l) of the Act are repealed.

(3) Subsections 262 (5) and (6) of the Act are repealed.

5 Section 263 of the Act is repealed.

6 The heading before section 264 of the Act is repealed.

7 Clauses 264 (1) (a) to (f), (k) and (l) of the Act are repealed.

8 Sections 268 and 269 of the Act are repealed.

9 Subsection 270 (1) of the Act is repealed and the following substituted:

Insurance of deposits with credit unions

(1) Subject to subsection (2), the deposits with every credit union that, under the regulations, are insurable deposits, are insured by the Authority in accordance with this Act and the by-laws of the Authority, except if the deposit insurance of the credit union is cancelled under section 274.

10 Subsection 270.1 (1) of the Act is amended by adding “from the Deposit Insurance Reserve Fund” after “payment” in the portion before clause (a).

11 Subsection 274 (5) of the Act is repealed and the following substituted:

Notice to league

(5) The Authority shall give the league for the credit union written notice of the cancellation of deposit insurance.

12 (1) Subsection 276 (2) of the Act is amended by adding “only” before “for” in the portion before paragraph 1 and by striking out “continuance or” in paragraph 2.

(2) Paragraph 4 of subsection 276 (2) of the Act is repealed and the following substituted:

4. Payments made under clause 262 (1) (b).

5. Assets acquired or liabilities assumed under clause 262 (1) (c).

(3) Section 276 of the Act is amended by adding the following subsections:

Liability of Authority limited

(4) The total liability of the Authority to insure deposits at any particular time is limited to the assets of the Deposit Insurance Reserve Fund at that time.

Not public money

(5) The assets of the Deposit Insurance Reserve Fund are not public money within the meaning of the *Financial Administration Act* and do not form part of the Consolidated Revenue Fund.

Immunity of Crown

(6) The Crown is not liable for any liability or obligation in respect of the Deposit Insurance Reserve Fund.

13 Paragraph 1 of subsection 316.1 (5) of the Act is amended by striking out “deposit insurer” and substituting “Authority”.

14 Subsection 332 (5) of the Act is amended by striking out “deposit insurer” and substituting “Authority”.

15 The Act is amended by striking out “Corporation” wherever it appears and substituting in each case “Authority”.

16 The English version of the Act is amended by striking out “Corporation’s” wherever it appears and substituting in each case “Authority’s”.

Cutting Unnecessary Red Tape Act, 2017

17 Section 78 of Schedule 8 to the *Cutting Unnecessary Red Tape Act, 2017* is repealed.

Commencement

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

**SCHEDULE 12
ELECTION ACT**

1 Section 1 of the *Election Act* is amended by adding the following definition:

“recognized party” has the same meaning as in subsection 62 (5) of the *Legislative Assembly Act*; (“parti reconnu”)

2 Section 4 of the Act is repealed and the following substituted:

Chief Electoral Officer

3.1 (1) There shall be a Chief Electoral Officer who is an officer of the Assembly.

Appointment

(2) The Assembly shall, by order, appoint the Chief Electoral Officer.

Selection by panel

(3) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (2) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Transition

(4) The Chief Electoral Officer in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent is deemed to be the Chief Electoral Officer for the purposes of this section and shall continue to hold office.

Powers and duties of C.E.O.

3.2 (1) The Chief Electoral Officer is responsible for the administration of this Act.

Same

(2) The Chief Electoral Officer shall consult with, advise and supervise the returning officers and election clerks in the performance of their duties, and may visit in person and consult with the deputy returning officer and poll clerk at any polling location.

Removal or suspension

3.3 (1) The Assembly may, by order,

- (a) remove the Chief Electoral Officer from office for cause; or
- (b) suspend the Chief Electoral Officer where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board may suspend the Chief Electoral Officer where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Chief Electoral Officer is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Chief Electoral Officer is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

(7) For the purposes of this section and sections 3.6 and 3.10, the Assembly is not in session when it is,

- (a) prorogued; or
- (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Salary and benefits

3.4 (1) The Board shall determine the salary and benefits of the Chief Electoral Officer.

Pension plan

(2) Subject to subsections (3) and (4), the Chief Electoral Officer is a member of the Public Service Pension Plan.

Notice re pension plan

(3) Within 60 days after his or her appointment takes effect, the Chief Electoral Officer may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan.

Same

(4) If the Chief Electoral Officer gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect.

Expenses

(5) Subject to the approval of the Board, the Chief Electoral Officer is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Transition

(6) The salary and benefits of the Chief Electoral Officer in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent continue to be determined in accordance with subsection 4 (2), clause 116 (1) (a) and subsection 116 (1.1) of this Act, as they read immediately before that day.

Designation by Chief Electoral Officer

3.5 (1) The Chief Electoral Officer shall designate an individual from among the employees of Elections Ontario who shall have the powers and duties of the Chief Electoral Officer if the Chief Electoral Officer is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Chief Electoral Officer unless a temporary Chief Electoral Officer is appointed under section 3.6.

Salary

(4) The Board may increase the salary of an individual who assumes the duties and powers of the Chief Electoral Officer under subsection (1) in such circumstances as the Board considers appropriate.

Transition

(5) Despite subsection (1) and section 3.6, the Deputy Chief Electoral Officer in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent continues to hold office as an officer of the Assembly and shall have the powers and duties of the Chief Electoral Officer if the Chief Electoral Officer is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Same

(6) Clauses 114 (1) (b) and 116 (1) (b) and subsections 116 (1.2), (3) and (4) of the Act, as they read immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent, continue to apply to the Deputy Chief Electoral Officer continued in office under subsection (5).

Temporary Chief Electoral Officer

3.6 (1) If the Chief Electoral Officer is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Chief Electoral Officer.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Chief Electoral Officer is unable to fulfil the duties of his or her office or the office becomes vacant, the Board may appoint a temporary Chief Electoral Officer.

Powers, salary and benefits

(4) A temporary Chief Electoral Officer shall have the powers and duties of the Chief Electoral Officer and shall be paid a salary and benefits determined by the Board and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

(5) A temporary Chief Electoral Officer shall hold office until,

- (a) the Chief Electoral Officer is able to fulfil the duties of the office, where the appointment resulted from the Chief Electoral Officer being unable to do so;
- (b) where the appointment resulted from a suspension of the Chief Electoral Officer, the suspension is revoked by order of the Assembly, by the Board under subsection 3.3 (4) or by operation of subsection 3.3 (5);
- (c) the Assembly appoints a different temporary Chief Electoral Officer under subsection (1); or
- (d) the Assembly appoints a Chief Electoral Officer under section 3.1.

In cases of emergency, etc.

3.7 Where in the opinion of the Chief Electoral Officer, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, a situation exists for which no provision is made under this Act, the Chief Electoral Officer may make such appointments or give such directions as he or she considers proper and anything done in compliance with any such direction is not open to question, but the Chief Electoral Officer shall immediately give notice of any such direction to the candidates affected and to the registered parties, if any, of the candidates.

Delegation

3.8 The Chief Electoral Officer may delegate in writing to any officer on his or her staff authority to exercise any power and perform any duty, other than those mentioned in section 3.7, assigned to the Chief Electoral Officer by this Act.

Subsequent appointment not prohibited

3.9 A person appointed as a temporary Chief Electoral Officer and the Deputy Chief Electoral Officer referred to in subsection 3.5 (5) are not prohibited from a subsequent appointment as Chief Electoral Officer under section 3.1.

Restrictions re other work, etc.

3.10 (1) The Chief Electoral Officer shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board when the Assembly is not in session, hold any other office or employment.

Exception

(2) Despite subsection (1), the Chief Electoral Officer may hold more than one office to which he or she has been appointed by the Assembly or the Board.

Oath of office

3.11 (1) Before beginning the duties of his or her office, the Chief Electoral Officer shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office.

Same

(2) The Speaker or the Clerk of the Assembly shall administer the oath or affirmation.

Nature of office

3.12 The Chief Electoral Officer is not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, an employee of the Assembly or an employee of the Office of the Chief Electoral Officer.

Forms

3.13 (1) The Chief Electoral Officer shall prescribe the forms for use under this Act.

Administrative in nature

(2) The prescribing of forms under subsection (1) or the exercise of any power or the performance of any duty by the Chief Electoral Officer that he or she is authorized or required to exercise or perform under this Act is deemed to be an act or acts of an administrative nature.

Protection from liability

4 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 12 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) not being appointed or reappointed, or considered for appointment or reappointment, as the Chief Electoral Officer;

- (b) removal or suspension of the Chief Electoral Officer; or
- (c) any decision of the Board regarding the salary or benefits of the Chief Electoral Officer.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Chief Electoral Officer and the employees of the Office of the Chief Electoral Officer.

3 Subsection 10 (4) of the Act is amended by striking out “subsection 4 (7)” and substituting “section 3.7”.

4 Subsection 114 (1) of the Act is repealed and the following substituted:

Office of the Chief Electoral Officer

(1) Subject to the approval of the Board, the Chief Electoral Officer may employ such persons on his or her permanent staff as are necessary in the performance of his or her duties and for the efficient and proper operation of his or her office and may establish job classifications for such employees and determine their salaries or wages and the terms and conditions of their employment.

5 (1) Subsections 116 (1), (1.1) and (1.2) of the Act are repealed and the following substituted:

Benefits

(1) The benefits determined under Part III of the *Public Service of Ontario Act, 2006* for public servants employed under that Part to work in a ministry, other than in a minister’s office, who are not within a bargaining unit apply to the full-time permanent and probationary employees of the office of the Chief Electoral Officer.

Same

(1.1) For the purposes of subsection (1), if a benefit applicable to an employee of the office of the Chief Electoral Officer is contingent on the exercise of a discretionary power or the performance of a discretionary function, the Chief Electoral Officer or any other person authorized in writing by the Chief Electoral Officer may exercise the power or perform the function.

(2) Subsection 116 (3) of the Act is repealed.

6 The Act is amended by adding the following heading and section:

TRANSITIONAL REGULATIONS

Transitional regulations

118 (1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 12 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflict

(2) If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under any other Act, the regulation made under subsection (1) prevails.

Election Finances Act

7 The definition of “Chief Electoral Officer” in subsection 1 (1) of the Election Finances Act is amended by striking out “subsection 4 (1)” and substituting “subsection 3.1 (2)”.

Commencement

8 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 13
ELECTION FINANCES ACT**

1 (1) Subsections 18 (1) to (1.4) of the *Election Finances Act* are repealed and the following substituted:

Maximum contributions

Registered parties

(1) The contributions that a person makes to any one registered party shall not exceed, in a calendar year, \$1,600 plus \$25 for each calendar year that has begun on or after January 1, 2020.

Constituency associations, nomination contestants

(1.1) The contributions that a person makes to registered constituency associations and registered nomination contestants of any one registered party shall not exceed, in a calendar year, \$1,600 plus \$25 for each calendar year that has begun on or after January 1, 2020.

Candidates of party

(1.2) The contributions that a person makes to registered candidates of any one registered party shall not exceed, in a campaign period, \$1,600 plus \$25 for each calendar year that has begun on or after January 1, 2020.

Non-party candidates

(1.3) The contributions that a person makes to all registered candidates not endorsed by a registered party shall not exceed, in a campaign period, \$1,600 plus \$25 for each calendar year that has begun on or after January 1, 2020.

Leadership contestants

(1.4) The contributions that a person makes to any one registered leadership contestant of a registered party shall not exceed, in a calendar year that falls during a leadership contest period or during which the contestant is required to be registered by virtue of subsection 14 (2.1), \$1,600 plus \$25 for each calendar year that has begun on or after January 1, 2020.

(2) Subsection 18 (3.1) of the Act is repealed.

2 Subsection 19 (3) of the Act is repealed.

3 Subsection 23 (7) of the Act is repealed.

4 Section 23.1 of the Act is repealed.

5 (1) Paragraph 5 of subsection 32.1 (2) of the Act is repealed and the following substituted:

5. In the 2021 calendar year, \$0.452 multiplied by the number of valid votes cast for the party's candidates in the election referred to in subsection (1).

(2) Paragraph 1 of subsection 32.1 (5) of the Act is repealed and the following substituted:

1. For each electoral district, take,
 - i. \$6,250, multiplied by the indexation factor determined for the calendar year under section 40.1, if the calendar year ends on or before December 31, 2020, and
 - ii. two thirds of the amount determined under subparagraph i for the calendar year 2020, if the calendar year is 2021.

(3) Subsection 32.1 (7) of the Act is repealed.

(4) Section 32.1 of the Act is repealed.

6 (1) Subsection 40.1 (1) of the Act is amended by striking out "and subject to subsection (2)" in the portion before clause (a).

(2) Subsection 40.1 (2) of the Act is repealed.

Commencement

7 (1) Subject to subsection (2), this Schedule comes into force on January 1, 2019.

(2) Subsection 5 (4) and section 6 come into force on January 1, 2022.

**SCHEDULE 14
ELECTRICITY ACT, 1998**

1 (1) Clause 25.33 (1) (b) of the *Electricity Act, 1998* is amended,

(a) by adding “or had” after “has”; and

(b) by adding “other than amounts funded under section 25.34” after “as determined under the procurement contract”.

(2) Clause 25.33 (2) (b) of the Act is amended,

(a) by adding “or had” after “has”; and

(b) by adding “other than amounts funded under section 25.34” after “as determined under the procurement contract”.

2 The Act is amended by adding the following section:

Public funding of certain amounts related to procurement contracts

25.34 (1) The IESO shall pay all or any portion of the amounts described in subsection (2), as determined by the Minister, out of money appropriated for the purpose of this section by the Legislature, if any.

Same

(2) Subject to the regulations, the amounts to which subsection (1) applies are the amounts required to be paid by the IESO to an entity as a result of the termination, in accordance with Order in Council 1003/2018 made on July 5, 2018, of a procurement contract to which the entity was a party.

Variance accounts

(3) The IESO shall establish and maintain such variance accounts as may be necessary to record all amounts payable or receivable by it under this section.

Information to be provided by IESO

(4) The IESO shall provide to the Minister the information specified by the Minister for the purposes of this section, in the time and manner specified by the Minister.

Information to be provided by party to procurement contract

(5) A party to a procurement contract described in subsection (2) shall provide to the Minister the information specified by the Minister for the purposes of this section, in the time and manner specified by the Minister.

3 Subsection 114 (1.3) of the Act is amended by adding the following clause:

(h) providing that certain amounts or portions of amounts are not included in the amounts referred to in subsection 25.34 (2), and specifying those excluded amounts or portions of amounts or methods for determining them.

Commencement

4 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 15
ENVIRONMENTAL BILL OF RIGHTS, 1993**

1 Subsection 1 (1) of the *Environmental Bill of Rights, 1993* is amended by adding the following definitions:

“Auditor General” means the Auditor General under the *Auditor General Act*; (“vérificateur général”)

“Environment Minister” means the member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; (“ministre de l’Environnement”)

“greenhouse gas” means,

- (a) carbon dioxide,
- (b) methane,
- (c) nitrous oxide,
- (d) hydrofluorocarbons,
- (e) perfluorocarbons,
- (f) sulphur hexafluoride, or
- (g) any other contaminant prescribed as a greenhouse gas by regulations under this Act; (“gaz à effet de serre”)

2 The Act is amended by adding the following Part:

**PART I.1
ENVIRONMENT MINISTER**

Environment Minister

2.1 In addition to fulfilling the Environment Minister’s other duties under this Act, the Environment Minister shall,

- (a) at the request of a minister, assist a ministry in providing educational programs about this Act;
- (b) provide educational programs about this Act to the public; and
- (c) provide general information about this Act to members of the public who wish to participate in decision-making about a proposal as provided in this Act.

3 Subsection 29 (2) of the Act is amended by striking out “Environmental Commissioner” at the end and substituting “Auditor General”.

4 Subsection 30 (2) of the Act is amended by striking out “Environmental Commissioner” at the end and substituting “Auditor General”.

5 Subsections 47 (3) and (4) of the Act are repealed and the following substituted:

Placing on registry

(3) The notice required by subsection (1) shall be given by delivering it to the Environment Minister who shall promptly place it on the registry.

Same

- (4) Delivery of the notice to the Environment Minister shall be made no later than the earlier of,
 - (a) two days after the day on which the application was made or the appeal commenced; and
 - (b) the end of the time period within which the application could be made or the appeal could be commenced.

6 Part III of the Act is repealed and the following substituted:

**PART III
COMMISSIONER OF THE ENVIRONMENT, REPORTS, ETC.**

Auditor General

49 (1) The Auditor General may exercise the powers and shall perform the duties and functions assigned to him or her under this Act.

Same

(2) Every power possessed by the Auditor General in carrying out his or her functions and responsibilities under the *Auditor General Act*, and every duty to comply with the exercise of such a power, is also a power and duty under this Act, subject to any necessary modification.

Commissioner of the Environment

50 (1) The Auditor General shall appoint a Commissioner of the Environment from among the employees of the Office of the Auditor General.

Duties

(2) The Commissioner of the Environment may, subject to the direction of the Auditor General, exercise the powers and perform the duties and functions of the Auditor General under this Act.

Absence

(3) If the Commissioner of the Environment is absent or unable to fulfil his or her duties, the Auditor General may designate in writing an employee of the Office of the Auditor General to fulfil those duties.

Reports

51 (1) The Auditor General shall report annually to the Speaker of the Assembly with regard to the operation of this Act, and the Speaker shall lay the report before the Assembly as soon as reasonably possible.

Same

(2) The annual report shall include,

- (a) a review of progress on activities to promote energy conservation;
- (b) a review of progress on activities to reduce greenhouse gas emissions; and
- (c) any matters that the Auditor General considers appropriate.

Same

(3) The annual report may, in the Auditor General's discretion, be included in the Auditor General's annual report prepared under section 12 of the *Auditor General Act*.

Employees continued

52 (1) The employees who work in the office of the Environmental Commissioner immediately before the day section 6 of Schedule 15 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force become employees of the Office of the Auditor General on that day, and the Auditor General shall continue to employ those employees on such terms as may be determined under section 20 of the *Auditor General Act*, subject to any requirements under the *Labour Relations Act, 1995*.

Same

(2) The employment of the employees described in subsection (1) is not terminated or severed, including for the purposes of the *Employment Standards Act, 2000*, and the employment of the employees immediately before and after the day section 6 of Schedule 15 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force is continuous for the purposes of calculating an employee's length or period of employment.

Transfers

53 The rights, obligations, assets and liabilities relating to the office of the Environmental Commissioner, as they exist immediately before the day section 6 of Schedule 15 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, become rights, obligations, assets and liabilities relating to the Office of the Auditor General on that day.

Protection from liability

54 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 15 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before the expiry of a term of office of the Environmental Commissioner;
- (b) removal or suspension of the Environmental Commissioner; and
- (c) any variation in the terms and conditions of employment of employees mentioned in subsection 52 (1).

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Auditor General, the Environmental Commissioner and the employees of the Office of the Auditor General and of the Environmental Commissioner.

7 Sections 61 to 66 of the Act are repealed and the following substituted:**Application for review**

61 (1) Any two persons resident in Ontario who believe that an existing policy, Act, regulation or instrument of Ontario should be amended, repealed or revoked in order to protect the environment may apply to the appropriate minister for a review of the policy, Act, regulation or instrument.

Same

(2) Any two persons resident in Ontario who believe that a new policy, Act or regulation of Ontario should be made or passed in order to protect the environment may apply to the appropriate minister for a review of the need for the new policy, Act or regulation.

Same

(3) An application under subsection (1) or (2) shall be in the form provided for the purpose by the Environment Minister and shall include,

- (a) the names and addresses of the applicants;
- (b) an explanation of why the applicants believe that the review applied for should be undertaken in order to protect the environment; and
- (c) a summary of the evidence supporting the applicants’ belief that the review applied for should be undertaken in order to protect the environment.

Same

(4) In addition, an application under subsection (1) shall clearly identify the policy, Act, regulation or instrument in respect of which a review is sought.

Where ministry not prescribed

62 (1) Where an application for review is made to a minister for a ministry not prescribed for the purposes of this Part, the responsible minister shall, within 10 days of receiving the application, give notice to the applicants in accordance with subsection (2).

Notice

(2) A notice under subsection (1) shall,

- (a) name the ministry or ministries to which the application has been made;
- (b) identify any ministry named under clause (a) that is not prescribed for the purposes of this Part; and
- (c) explain that the obligations set out in sections 65 to 72 apply only in relation to ministries prescribed for the purposes of this Part.

Ministerial review, ss. 65 to 72

63 (1) Subject to subsection (2) and section 64, the obligations set out in sections 65 to 72 apply where a minister receives an application for review for consideration in a ministry that is prescribed for the purposes of this Part.

Same

(2) The obligations in sections 65 to 72 do not apply in relation to an application for,

- (a) a review of an existing Act, regulation or instrument other than a prescribed Act, regulation or instrument;
- (b) a review of the need for a new exemption under the *Environmental Assessment Act*.

Same

(3) A minister who determines under subsection (2) that sections 65 to 72 do not apply in relation to an application for review shall give notice of the determination to the applicants.

Forwarding applications to more appropriate ministries

64 (1) A minister who has received an application for review in his or her ministry, and who believes that his or her ministry is not an appropriate ministry to review matters raised in the application, may forward the application to another minister if appropriate to be dealt with under this Part.

Same

(2) A minister who has forwarded an application in accordance with subsection (1) has no obligations in relation to the application under sections 65 to 72.

Acknowledgment of receipt

65 A minister who receives an application for review shall acknowledge receipt to the applicants within 20 days of receiving the application.

Notice to persons with direct interest

66 (1) A minister who receives an application for review in respect of an instrument shall also give notice that the application has been made to any person who the minister considers ought to get the notice because the person might have a direct interest in matters raised in the application.

Same

(2) A notice under subsection (1) shall include a description of the application for review.

8 Clause 70 (b) of the Act is amended by striking out “Environmental Commissioner” and substituting “Auditor General”.

9 Sections 74, 75 and 76 of the Act are repealed and the following substituted:

Application for investigation

74 (1) Any two persons resident in Ontario who believe that a prescribed Act, regulation or instrument has been contravened may apply to the minister responsible for the administration of the Act, regulation or instrument for an investigation by that minister of the alleged contravention.

Same

(2) An application under subsection (1) shall be in the form provided for the purpose by the Environment Minister and shall include,

- (a) the names and addresses of the applicants;
- (b) a statement of the nature of the alleged contravention;
- (c) the names and addresses of each person alleged to have been involved in the commission of the contravention, to the extent that this information is available to the applicants;
- (d) a summary of the evidence supporting the allegations of the applicants;
- (e) the names and addresses of each person who might be able to give evidence about the alleged contravention, together with a summary of the evidence they might give, to the extent that this information is available to the applicants;
- (f) a description of any document or other material that the applicants believe should be considered in the investigation;
- (g) a copy of any document referred to in clause (f), where reasonable; and
- (h) details of any previous contacts with an officer of the Legislative Assembly or any ministry regarding the alleged contravention.

Statement of belief

(3) An application under this section shall also include a statement by each applicant or, where an applicant is a corporation, by a director or officer of the corporation, that he or she believes that the facts alleged in the application are true.

Same

(4) The statement referred to in subsection (3) shall be sworn or solemnly affirmed before a commissioner for taking affidavits in Ontario.

Acknowledgment

(5) The responsible minister shall acknowledge receipt of an application for investigation to the applicants within 20 days of receiving the application.

10 Clause 78 (1) (c) of the Act is amended by striking out “Environmental Commissioner” at the end and substituting “Auditor General”.

11 Subsection 87 (2) of the Act is amended by striking out “Environmental Commissioner” and substituting “Environment Minister”.

12 Section 121 of the Act is amended by adding the following subsections:

Transitional regulations

(1.1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 15 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflicts

(1.2) If there is a conflict between a regulation made under subsection (1.1) and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under subsection (1.1) prevails.

Delegated Administrative Authorities Act, 2012

13 (1) Subclause 7 (2) (c) (i) of the *Delegated Administrative Authorities Act, 2012* is amended by striking out “the Environmental Commissioner”.

(2) Paragraph 3 of subsection 12 (3) of the Act is repealed.

Commencement

14 (1) Subject to subsection (2), this Schedule comes into force on the earlier of May 1, 2019 and a day to be named by proclamation of the Lieutenant Governor.

(2) Section 13 comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 16
FINANCIAL ACCOUNTABILITY OFFICER ACT, 2013**

1 Sections 2 to 4 of the *Financial Accountability Officer Act, 2013* are repealed and the following substituted:

Financial Accountability Officer

2 (1) There shall be a Financial Accountability Officer who is an officer of the Assembly.

Appointment

(2) The Assembly shall, by order, appoint the Financial Accountability Officer.

Selection by panel

(3) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (2) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Term of office

3 (1) The Financial Accountability Officer shall hold office for a term of five years and may be reappointed for one further term of five years.

Selection by panel

(2) Subsection 2 (3) applies with respect to a reappointment under subsection (1) of this section.

Continuation in office

(3) By order of the Assembly, the Financial Accountability Officer may continue to hold office after expiry of his or her term of office until a temporary Financial Accountability Officer is appointed under section 4.3 or until a successor is appointed.

Transition

(4) The Financial Accountability Officer in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent shall continue to hold office for the remainder of his or her term.

Removal or suspension

4 (1) The Assembly may, by order,

- (a) remove the Financial Accountability Officer from office for cause; or
- (b) suspend the Financial Accountability Officer where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board of Internal Economy may suspend the Financial Accountability Officer where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Financial Accountability Officer is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board of Internal Economy revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Financial Accountability Officer is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board of Internal Economy shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

(7) For the purposes of this section and sections 4.3 and 4.5, the Assembly is not in session when it is,

- (a) prorogued; or
- (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Salary and benefits

4.1 (1) The Board of Internal Economy shall determine the salary and benefits of the Financial Accountability Officer.

Pension plan

(2) Subject to subsections (3) and (4), the Financial Accountability Officer is a member of the Public Service Pension Plan.

Notice re pension plan

(3) Within 60 days after his or her appointment takes effect, the Financial Accountability Officer may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan.

Same

(4) If the Financial Accountability Officer gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect.

Expenses

(5) Subject to the approval of the Board of Internal Economy, the Financial Accountability Officer is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Transition

(6) The salary and expenses of the Financial Accountability Officer in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent continue to be determined in accordance with subsections 3 (1) and (3) of this Act, as they read immediately before that day, for the remainder of the Financial Accountability Officer's term of office.

Designation by the Financial Accountability Officer

4.2 (1) The Financial Accountability Officer shall designate an individual from among the employees of the office of the Financial Accountability Officer who shall have the powers and duties of the Financial Accountability Officer if the Financial Accountability Officer is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Financial Accountability Officer unless a temporary Financial Accountability Officer is appointed under section 4.3.

Salary

(4) The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Financial Accountability Officer under subsection (1) in such circumstances as the Board considers appropriate.

Temporary Financial Accountability Officer

4.3 (1) If the Financial Accountability Officer is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Financial Accountability Officer.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Financial Accountability Officer is unable to fulfil the duties of his or her office or the office becomes vacant, the Board of Internal Economy may appoint a temporary Financial Accountability Officer.

Powers, salary and benefits

(4) A temporary Financial Accountability Officer shall have the powers and duties of the Financial Accountability Officer and shall be paid a salary and benefits determined by the Board of Internal Economy and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

(5) A temporary Financial Accountability Officer shall hold office until,

- (a) the Financial Accountability Officer is able to fulfil the duties of the office, where the appointment resulted from the Financial Accountability Officer being unable to do so;

- (b) where the appointment resulted from a suspension of the Financial Accountability Officer, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 4 (4) or by operation of subsection 4 (5);
- (c) the Assembly appoints a different temporary Financial Accountability Officer under subsection (1); or
- (d) the Assembly appoints a Financial Accountability Officer under section 2.

Subsequent appointment not prohibited

4.4 A person who continues his or her first term as Financial Accountability Officer under subsection 3 (3) or who is appointed as a temporary Financial Accountability Officer is not prohibited from a subsequent appointment as Financial Accountability Officer under section 2 and, in the case of such an appointment, the previous time in office does not count toward the term of office set out in subsection 3 (1).

Restrictions re other work, etc.

4.5 (1) The Financial Accountability Officer shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board of Internal Economy when the Assembly is not in session, hold any other office or employment.

Exception

(2) Despite subsection (1), the Financial Accountability Officer may hold more than one office to which he or she has been appointed by the Assembly or the Board of Internal Economy.

Oath of office

4.6 (1) Before beginning the duties of his or her office, the Financial Accountability Officer shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office.

Same

(2) The Speaker or the Clerk of the Assembly shall administer the oath or affirmation.

Nature of office

4.7 (1) The Financial Accountability Officer holds office for a fixed term and is not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, an employee of the Assembly or an employee of the office of the Financial Accountability Officer.

Notice not required

(2) No notice to the Financial Accountability Officer is required before the expiry of the Financial Accountability Officer's term of office.

Protection from liability

4.8 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 16 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before the expiry of a term of office of the Financial Accountability Officer;
- (b) not being appointed or reappointed, or considered for appointment or reappointment, as the Financial Accountability Officer;
- (c) removal or suspension of the Financial Accountability Officer; or
- (d) any decision of the Board of Internal Economy regarding the salary or benefits of the Financial Accountability Officer.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Financial Accountability Officer and the employees of the office of the Financial Accountability Officer.

2 Section 19 of the Act is repealed and the following substituted:**Transitional regulations**

19 (1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 16 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflict

(2) If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under any other Act, the regulation made under subsection (1) prevails.

Commencement

3 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

SCHEDULE 17
FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

1 Section 1 of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by adding the following definitions:

“credit union” and “deposit” have the same meanings as in the *Credit Unions and Caisses Populaires Act, 1994*; (“caisse”, “caisse populaire”, “dépôt”)

“predecessor Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) as that subsection read immediately before section 2 of Schedule 17 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force; (“ancienne Autorité”)

2 Subsection 2 (1) of the Act is repealed and the following substituted:

Authority and DICO amalgamated, Authority continued

(1) The predecessor Authority and DICO are amalgamated and shall continue as one corporation without share capital under the name Financial Services Regulatory Authority of Ontario in English and Autorité ontarienne de réglementation des services financiers in French.

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

Same, credit unions

- (4) In addition to the objects set out in subsections (1) and (2), the objects of the Authority in respect of credit unions are,
- (a) to provide insurance against the loss of part or all of deposits with credit unions;
 - (b) to promote and otherwise contribute to the stability of the credit union sector in Ontario with due regard to the need to allow credit unions to compete effectively while taking reasonable risks; and
 - (c) to pursue the objects set out in clauses (a) and (b) for the benefit of persons having deposits with credit unions and in such manner as will minimize the exposure of the Deposit Insurance Reserve Fund to loss.

4 The Act is amended by adding the following section:

DIRF advisory committee

10.2 (1) The board of directors shall establish a committee to advise the board of directors on matters related to the Deposit Insurance Reserve Fund.

Composition

(2) The committee shall be composed of at least three directors.

Committee meetings

(3) The committee shall meet at least four times in each calendar year and at such other times as the chair of the board of directors may request.

5 Section 18 of the Act is amended by adding the following subsection:

Information to Minister re credit unions

(4) At least once each year, the Authority shall advise the Minister about the credit union sector and the adequacy of the Deposit Insurance Reserve Fund.

6 Section 19 of the Act is amended by adding the following subsection:

Same

(5) Subsections (1) and (2) do not relieve the Authority from the obligation to make payment in respect of a deposit insured under the *Credit Unions and Caisses Populaires Act, 1994*.

7 (1) Subsection 30 (6) of the Act is amended by striking out “action” and substituting “proceeding”.

(2) Subsection 30 (7) of the Act is amended by striking out “action” and substituting “proceeding”.

8 The Act is amended by adding the following section:

TRANSITION — DICO AMALGAMATION

Transition, continuing proceedings and activities

33 (1) On the day section 2 of Schedule 17 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, proceedings and other activities that are commenced or conducted by DICO, or to which DICO is a party, are deemed to be proceedings and other activities commenced or conducted by the Authority, or to which the Authority is a party, and shall be continued as such.

Transition, rulings etc.

(2) Any matter that relates to a ruling, order or judgment in favour of or against DICO that remains outstanding on the day section 2 of Schedule 17 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force may be enforced by or against the Authority.

Commencement

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

SCHEDULE 18
FIRE PROTECTION AND PREVENTION ACT, 1997

1 Section 41 of the *Fire Protection and Prevention Act, 1997* is amended by adding the following subsection:

Volunteer firefighter work

(2.1) For greater certainty, references in this Part to a volunteer firefighter include a person who is also regularly employed on a salaried basis in a fire department and assigned to fire protection services, including a technician, in a different fire service, regardless of whether the services provided as a volunteer firefighter are within the jurisdiction, or otherwise adversely affects the interests, of any association.

2 Section 46.4 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) shall refuse to employ a person as a firefighter, refuse to assign a person to fire protection services or discharge a firefighter because the person has worked, is working or intends to work as a volunteer firefighter.

3 Sections 50.1, 50.2 and 50.3 of the Act are repealed and the following substituted:

Arbitrator

50.1 (1) Within seven days after the day upon which notice is given under section 49, the parties shall appoint a person as arbitrator and forthwith notify the Minister of the name and address of the person appointed.

Extension of time

(2) The parties, by mutual agreement in writing, may extend the period of seven days mentioned in subsection (1) for one further period of seven days.

Notice to Minister

(3) If the parties extend the period under subsection (2), they shall inform the Minister.

Appointment by Minister

(4) If the parties fail to notify the Minister within the time set out in subsection (1) or the time extended under subsection (2), the Minister shall forthwith appoint as arbitrator a person who is, in the opinion of the Minister, qualified to act and notify the parties of the name and address of the person appointed.

Replacement

(5) If the person appointed as arbitrator is unable or unwilling to perform his or her duties so as to make an award, the Minister shall forthwith appoint another person as arbitrator and the arbitration process shall begin anew.

Restriction

(6) No person shall be appointed as an arbitrator under this Act who has any pecuniary interest in the matters coming before him or her or who is acting or has, within a period of six months preceding the date of his or her appointment, acted as solicitor, counsel or agent of either of the parties.

Not subject to judicial review

(7) It is conclusively determined that the appointment of an arbitrator made under this section is properly made, and no application shall be made to question the appointment or to prohibit or restrain any of the arbitrator’s proceedings.

Selection of method

50.2 (1) If the arbitrator is appointed by the parties, the parties shall select the method of arbitration.

Same, mediation-arbitration

(2) The method of arbitration shall be mediation-arbitration unless the parties select a different method of arbitration.

Selection by Minister

(3) If the arbitrator is appointed by the Minister, the Minister shall select the method of arbitration.

Same, mediation-arbitration

(4) The Minister shall select mediation-arbitration as the method of arbitration unless the Minister is of the view that another method is more appropriate.

Same, final offer selection

(5) The Minister shall not select final offer selection without mediation as the method of arbitration.

Same, mediation-final offer selection

(6) The Minister shall not select mediation-final offer selection as the method of arbitration unless the Minister, in his or her sole discretion, selects that method because he or she is of the view that it is the most appropriate method having regard to the nature of the dispute.

Procedure**Time and place of proceedings**

50.3 (1) Subject to subsection (2), the arbitrator shall fix the time and place of the proceedings and shall notify the Minister of the time and place and the Minister shall notify the parties.

When proceedings commence

(2) The arbitrator shall begin the proceedings within 30 days after he or she is appointed.

Order to expedite proceedings

(3) Where an arbitrator has been appointed, the arbitrator shall keep the Minister advised of the progress of the arbitration and where the Minister is advised that an award has not been rendered within the time set out in subsection 50.5 (5) or within the time extended under subsection 50.5 (6), the Minister may, after consulting the parties and the arbitrator, issue whatever order he or she considers necessary in the circumstances to ensure that an award will be rendered within a reasonable time.

Written submissions

(4) The parties shall file written submissions on all matters remaining in dispute with the arbitrator before the date set by the arbitrator.

Same, time

(5) The date set by the arbitrator in subsection (4) must be before the day the first hearing begins.

Time for submission of information

(6) If the method of arbitration is mediation-arbitration or mediation-final offer selection, the arbitrator may, after consulting with the parties, set a date after which a party may not submit information to the arbitrator unless,

- (a) the information was not available prior to the date;
- (b) the arbitrator permits the submission of the information; and
- (c) the other party is given an opportunity to make submissions concerning the information.

Procedure

(7) Subject to section 50.2 and the other provisions of this section, the arbitrator shall determine his or her own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Notice of agreement to recommence

50.3.1 (1) If the arbitrator was appointed by the Minister, the parties may, at any time before the arbitrator renders an award, jointly serve written notice on the Minister that they have agreed that the arbitration should be recommenced before a different arbitrator.

Termination of appointment

(2) If notice is served on the Minister under subsection (1), the appointment of the arbitrator is terminated.

Effective date of termination

(3) The termination is effective on the day the Minister is served with the notice.

Obligation to appoint

(4) Within seven days after the day the Minister is served with the notice, the parties shall jointly appoint, under subsection 50.1 (1), a person who agreed to act and sections 50.1 to 50.3 and this section apply with respect to the appointment.

Powers

50.3.2 An arbitrator appointed under this Act has all the powers of a board of arbitration under the *Labour Relations Act, 1995*.

4 (1) Subsection 50.4 (2) of the Act is amended by striking out “section 50.2” and substituting “section 50.1”.

(2) Subsection 50.4 (3) of the Act is amended by striking out “a board of arbitration” and substituting “an arbitrator” in the portion before clause (a).

5 (1) Subsection 50.5 (2) of the Act is repealed and the following substituted:

Criteria

(2) In making a decision, the arbitrator shall take into consideration all factors the arbitrator considers relevant, including the following criteria:

1. A comparison, as between the employees and other employees in the public and private sectors, of the terms and conditions of employment.
2. A comparison of collective bargaining settlements reached in the same municipality and in comparable municipalities, including those reached by employees in bargaining units to which the *Labour Relations Act, 1995* applies, having regard to the relative economic health of the municipalities.
3. The economic health of Ontario and the municipality, including, but not limited to, changes to labour market characteristics, property tax characteristics and socio-economic characteristics.
4. The employer's ability to attract and retain qualified firefighters.
5. The interest and welfare of the community served by the fire department.
6. Any local factors affecting the community.

(2) Section 50.5 of the Act is amended by adding the following subsections:

Reasons

(4.1) When the arbitrator gives a decision, the arbitrator shall provide written reasons upon the request of either party.

Same

(4.2) The written reasons must clearly demonstrate that the arbitrator has considered the criteria on which a party has made submissions under subsection 50.3 (4), and may deal with other matters as the arbitrator considers appropriate.

(3) Subsection 50.5 (5) of the Act is repealed and the following substituted:

Time for decision

(5) The arbitrator shall give a decision within 90 days after his or her appointment.

(4) Subsection 50.5 (7) of the Act is repealed and the following substituted:

Remuneration and expenses

(7) Each party shall pay one half of the arbitrator's remuneration and expenses.

(5) Subsection 50.5 (8) of the Act is amended by striking out "arbitration board" and substituting "arbitrator".

6 Subsection 50.6 (6) of the Act is amended by striking out "chair of the board" and substituting "arbitrator".

7 Sections 50.4, 50.5 and 50.6 of the Act are amended by,

- (a) striking out "board of arbitration" wherever it appears and substituting in each case "arbitrator"; and
- (b) striking out "board" wherever it appears and substituting in each case "arbitrator".

8 The Act is amended by adding the following section immediately before the heading "Operation of Collective Agreement":

Transition

Board of arbitration

50.10 If, on or after November 15, 2018, notice under section 49 is given, and on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent, the hearing has not commenced, sections 50.1 to 50.6 apply to the arbitration and if a board of arbitration was appointed, the chair continues as the arbitrator and the appointments of the other members of the board are terminated.

9 (1) Subsection 52.2 (2) of the Act is repealed and the following substituted:

Prohibitions re non-member firefighter

(2) No association that is a party to a collective agreement containing a provision mentioned in clause (1) (a) shall require the employer to refuse to employ a person as a firefighter, refuse to assign a person to fire protection services or discharge a firefighter because,

- (a) the firefighter has been expelled or suspended from membership in the association; or
- (b) membership in the association has been denied or withheld from the firefighter,

for reason that the firefighter,

- (c) was or is a member of another association or a trade union;

- (d) has engaged in activity against the association or on behalf of another association or a trade union;
- (e) has engaged in reasonable dissent within the association, including with respect to the person's work, past work or intended work as a volunteer firefighter;
- (f) has been discriminated against by the association in the application of its membership rules, including with respect to the person's work, past work or intended work as a volunteer firefighter;
- (g) has refused to pay initiation fees, dues or other assessments to the association which are unreasonable; or
- (h) has worked, is working or intends to work as a volunteer firefighter, regardless of whether or not such work is within the jurisdiction, or adversely affects the interests, of the association.

(2) Section 52.2 of the Act is amended by adding the following subsection:

Same, unlawful activity

(3.1) For greater certainty, work as a volunteer firefighter, as described in clause (2) (h), is not an unlawful activity for the purposes of subsection (3).

(3) Section 52.2 of the Act is amended by adding the following subsections:

Where volunteer firefighter cannot be disciplined by association

(5) On or after November 15, 2018, no association shall deny membership to, suspend, expel, fine, attempt to collect a fine from, penalize or otherwise discipline a firefighter because the firefighter has worked, is working or intends to work as a volunteer firefighter, regardless of whether or not such work is within the jurisdiction, or adversely affects the interests, of the association.

Same, application

(6) The prohibition in subsection (5) applies regardless of whether the work as a volunteer firefighter occurred before November 15, 2018.

Civil remedy

(7) No action or other civil proceeding shall be commenced by any person, association or representative of an association against a firefighter who has worked, is working or intends to work as a volunteer firefighter, to attempt to collect a fine or any other form of monetary penalty, or to enforce or otherwise give effect to any decision of an association prohibited under subsection (5).

Commencement

10 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 19
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

1 (1) The definition of “Information and Privacy Commissioner” and “Commissioner” in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out “subsection 4 (1)” and substituting “subsection 4 (2)”.

(2) Subsection 2 (1) of the Act is amended by adding the following definition:

“recognized party” has the same meaning as in subsection 62 (5) of the *Legislative Assembly Act*; (“parti reconnu”)

2 Subsections 4 (1) to (3) of the Act are repealed and the following substituted:

Information and Privacy Commissioner

4 (1) There shall be an Information and Privacy Commissioner who is an officer of the Assembly.

Appointment

(2) The Assembly shall, by order, appoint the Information and Privacy Commissioner.

Selection by panel

(3) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (2) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Powers and duties

(3.1) The Commissioner may exercise the powers and shall perform the duties prescribed by this or any other Act.

3 Sections 5 to 7 of the Act are repealed and the following substituted:

Term of office

5 (1) The Commissioner shall hold office for a term of five years and may be reappointed for one further term of five years.

Selection by panel

(2) Subsection 4 (3) applies with respect to a reappointment under subsection (1) of this section.

Continuation in office

(3) By order of the Assembly, the Commissioner may continue to hold office after expiry of his or her term of office until a temporary Commissioner is appointed under section 7.2 or until a successor is appointed.

Transition

(4) The Commissioner in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent is deemed to be in the first term of his or her appointment and shall continue to hold office for the remainder of the term.

Removal or suspension

6 (1) The Assembly may, by order,

- (a) remove the Commissioner from office for cause; or
- (b) suspend the Commissioner where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board of Internal Economy may suspend the Commissioner where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Commissioner is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board of Internal Economy revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Commissioner is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board of Internal Economy shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

(7) For the purposes of this section and sections 7.2 and 7.4, the Assembly is not in session when it is,

- (a) prorogued; or
- (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Salary and benefits

7 (1) The Board of Internal Economy shall determine the salary and benefits of the Commissioner.

Pension plan

(2) Subject to subsections (3) and (4), the Commissioner is a member of the Public Service Pension Plan.

Notice re pension plan

(3) Within 60 days after his or her appointment takes effect, the Commissioner may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan.

Same

(4) If the Commissioner gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect.

Expenses

(5) Subject to the approval of the Board of Internal Economy, the Commissioner is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Transition

(6) The salary and expenses of the Commissioner in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent continue to be determined in accordance with subsections 6 (1) to (3) of this Act, as they read immediately before that day, for the remainder of the Commissioner’s term of office.

Designation by Commissioner

7.1 (1) The Commissioner shall designate an individual from among the employees of the office of the Commissioner who shall have the powers and duties of the Commissioner if the Commissioner is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Commissioner unless a temporary Commissioner is appointed under section 7.2.

Salary

(4) The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Commissioner under subsection (1) in such circumstances as the Board considers appropriate.

Temporary Commissioner

7.2 (1) If the Commissioner is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Commissioner.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Commissioner is unable to fulfil the duties of his or her office or the office becomes vacant, the Board of Internal Economy may appoint a temporary Commissioner.

Powers, salary and benefits

(4) A temporary Commissioner shall have the powers and duties of the Commissioner and shall be paid a salary and benefits determined by the Board of Internal Economy and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

(5) A temporary Commissioner shall hold office until,

- (a) the Commissioner is able to fulfil the duties of the office, where the appointment resulted from the Commissioner being unable to do so;
- (b) where the appointment resulted from a suspension of the Commissioner, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 6 (4) or by operation of subsection 6 (5);
- (c) the Assembly appoints a different temporary Commissioner under subsection (1); or
- (d) the Assembly appoints a Commissioner under section 4.

Subsequent appointment not prohibited

7.3 A person who continues his or her first term as Commissioner under subsection 5 (3) or who is appointed as an Assistant Commissioner or temporary Commissioner is not prohibited from a subsequent appointment as Commissioner under section 4 and, in the case of such an appointment, the previous time in office does not count toward the term of office set out in subsection 5 (1).

Restrictions re other work, etc.

7.4 (1) The Commissioner shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board of Internal Economy when the Assembly is not in session, hold any other office or employment.

Exception

(2) Despite subsection (1), the Commissioner may hold more than one office to which he or she has been appointed by the Assembly or the Board of Internal Economy.

Oath of office

7.5 (1) Before beginning the duties of his or her office, the Commissioner shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office.

Same

(2) The Speaker or the Clerk of the Assembly shall administer the oath or affirmation.

Nature of office

7.6 (1) The Commissioner holds office for a fixed term and is not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, an employee of the Assembly or an employee of the office of the Information and Privacy Commissioner.

Notice not required

(2) No notice to the Commissioner is required before the expiry of the Commissioner's term of office.

Protection from liability

7.7 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 19 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before the expiry of a term of office of the Commissioner;
- (b) not being appointed or reappointed, or considered for appointment or reappointment, as the Commissioner;
- (c) removal or suspension of the Commissioner; or
- (d) any decision of the Board of Internal Economy regarding the salary or benefits of the Commissioner.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Commissioner and the employees of the office of the Commissioner.

4 Subsection 8 (1) of the Act is amended by striking out “the Lieutenant Governor in Council” and substituting “the Board of Internal Economy”.

5 Subsection 56 (2) of the Act is amended by adding “the Deputy Commissioner or” before “an Assistant Commissioner”.

6 (1) Subsection 60 (1) of the Act is amended by adding the following clause:

(j.2) providing for transitional matters arising from the enactment of Schedule 19 to the *Restoring Trust, Transparency and Accountability Act, 2018*;

(2) Section 60 of the Act is amended by adding the following subsection:

Conflict

(3) If there is a conflict between a regulation made under clause (1) (j.2) and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under clause (1) (j.2) prevails.

Commencement

7 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 20
FRENCH LANGUAGE SERVICES ACT**

1 (1) The definition of “Board of Internal Economy” in section 1 of the *French Language Services Act* is repealed.

(2) The definition of “Commissioner” in section 1 of the Act is repealed and the following substituted:

“Commissioner” means the French Language Services Commissioner described in section 12.1 as it read immediately before the day section 2 of Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force; (“commissaire”)

(3) Section 1 of the Act is amended by adding the following definition:

“Ombudsman” means the Ombudsman appointed under the *Ombudsman Act*; (“ombudsman”)

2 The heading before section 12.1 and sections 12.1 to 12.1.6 of the Act are repealed and the following substituted:

OMBUDSMAN

Ombudsman

12.1 (1) The Ombudsman may exercise the powers and shall perform the duties and functions assigned to him or her under this Act.

Same

(2) Every power possessed by the Ombudsman in carrying out his or her functions and responsibilities under the *Ombudsman Act*, and every duty to comply with the exercise of such a power, is also a power and duty under this Act, subject to any necessary modification.

3 The English version of clause 12.2 (a) of the Act is amended by striking out “Commissioner’s” and substituting “Ombudsman’s”.

4 Section 12.3 of the Act is repealed.

5 (1) Subsection 12.4 (3) of the Act is amended by striking out “Commissioner” and substituting “Ombudsman under this Act”.

(2) Subsections 12.4 (3.1) and (4) of the Act are repealed and the following substituted:

Report on results of investigation

(4) The Ombudsman shall report the results of an investigation,

- (a) where the investigation arises from a complaint, to the complainant and the deputy head or other administrative head of the government agency concerned; or
- (b) where the investigation is at the Ombudsman’s own initiative, to the deputy head or other administrative head of the government agency concerned.

Publication of report

(5) After reporting the results of an investigation under subsection (4), the Ombudsman may make the report public in any manner he or she considers appropriate.

6 Section 12.5 of the Act is repealed and the following substituted:

Annual report

12.5 (1) The Ombudsman shall report annually to the Speaker of the Assembly on his or her activities under this Act, which may include recommendations for improving the provision of French language services.

Copy of report

(2) Upon reporting to the Speaker, the Ombudsman shall provide a copy of the report to the Minister.

Tabling of report

(3) The Speaker of the Assembly shall lay the report before the Assembly at the earliest reasonable opportunity.

Inclusion in Ombudsman report

(4) The annual report may, in the Ombudsman’s discretion, be included in the Ombudsman’s annual report prepared under section 11 of the *Ombudsman Act*.

7 Section 12.7 of the Act is repealed and the following substituted:

Employees continued

12.7 (1) The employees who work in the Office of the Commissioner immediately before the day section 2 of Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force become employees of the office of the Ombudsman on that day, and the Ombudsman shall continue to employ those employees on such terms and conditions as may be determined under section 8 of the *Ombudsman Act*, subject to any requirements under the *Labour Relations Act, 1995*.

Same

(2) The employment of the employees described in subsection (1) is not terminated or severed, including for the purposes of the *Employment Standards Act, 2000*, and the employment of the employees immediately before and after the day section 2 of Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force is continuous for the purposes of calculating an employee's length or period of employment.

Transfers

12.8 The rights, obligations, assets and liabilities relating to the Office of the Commissioner, as they exist immediately before the day section 2 of Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, become the rights, obligations, assets and liabilities of the Ombudsman on that day.

Deputy Ombudsman, French Language Services

12.9 (1) The Ombudsman may appoint a Deputy Ombudsman from among the employees of the office of the Ombudsman, who shall be known as the Deputy Ombudsman, French Language Services.

Duties

(2) The Deputy Ombudsman, French Language Services may exercise the powers and perform the duties of the Ombudsman under this Act, subject to the direction of the Ombudsman.

Protection from liability

12.10 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before expiry of a term of office of the Commissioner;
- (b) removal or suspension of the Commissioner; and
- (c) any variation in the terms and conditions of employment of the employees mentioned in section 12.7.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Commissioner and the employees of the Office of the Commissioner.

8 The Act is amended by striking out “Commissioner” wherever it appears and substituting in each case “Ombudsman”, except in the following provisions:

1. The definition of “Commissioner” in section 1.
2. Subsection 12.7 (1).

3. Section 12.8.

4. Subsections 12.10 (1) and (6).

9 The Act is amended by adding the following heading and section:

MISCELLANEOUS

Transitional regulations

15 (1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflicts

(2) If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under subsection (1) prevails.

Commencement

10 This Schedule comes into force on the earlier of May 1, 2019 and a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 21
INSURANCE ACT**

1 (1) Paragraph 4 of subsection 42 (1.1) of the *Insurance Act* is amended by adding “and a member of the Fire Mutuals Guarantee Fund” at the end.

(2) Paragraph 4 of subsection 42 (1.3) of the Act is amended by adding “and a member of the Fire Mutuals Guarantee Fund” at the end.

2 The French version of subsection 121 (2) of the Act is amended by striking out “directeur général” wherever it appears and substituting in each case “directeur général de l’Autorité”.

Commencement

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

SCHEDULE 22
INTERIM APPROPRIATION FOR 2019-2020 ACT, 2018

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, 2020, amounts not exceeding a total of \$110,800,000,000 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, 2020, amounts not exceeding a total of \$4,200,000,000 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, 2020, amounts not exceeding a total of \$190,000,000 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, 2020.

Commencement

6 The Act set out in this Schedule comes into force on April 1, 2019.

Short title

7 The short title of the Act set out in this Schedule is the *Interim Appropriation for 2019-2020 Act, 2018*.

**SCHEDULE 23
LEGISLATIVE ASSEMBLY ACT**

1 The French version of section 40 of the *Legislative Assembly Act* is amended by striking out “fonctionnaires” and substituting “hauts fonctionnaires”.

2 The French version of paragraph 4 of subsection 46 (1) of the Act is amended by striking out “fonctionnaire” and substituting “haut fonctionnaire”.

3 Subsection 62 (5) of the Act is repealed and the following substituted:

Definition

(5) In this section,

“recognized party” means a party that has a recognized membership of at least 10 per cent of the total number of seats in the Assembly, subject to subsection (6).

Same

(6) For the purposes of subsection (5), if the party’s percentage of the total number of seats is not a whole number, it shall be rounded to,

- (a) the next lowest whole number, in the case of a percentage that ends in less than .5; or
- (b) the next highest whole number, in the case of a percentage that ends in .5 or more.

4 Section 77 of the Act is repealed and the following substituted:

Clerk of Legislative Assembly, appointment

77 (1) The Assembly shall, by order, appoint the Clerk of the Legislative Assembly.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Definition

(3) In this section,

“recognized party” has the same meaning as in subsection 62 (5).

Transition

(4) The Clerk who is in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent is deemed to continue to hold office for the purposes of this section.

Removal or suspension

77.1 (1) The Assembly may, by order,

- (a) remove the Clerk of the Legislative Assembly from office for cause; or
- (b) suspend the Clerk where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board of Internal Economy may suspend the Clerk where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Clerk is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board of Internal Economy revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Clerk is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board of Internal Economy shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

(7) For the purposes of this section and section 77.3, the Assembly is not in session when it is,

- (a) prorogued; or
- (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Designation by Clerk

77.2 (1) The Clerk shall designate an individual from among the employees of the Office of the Assembly who shall have the powers and duties of the Clerk if the Clerk is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Clerk unless a temporary Clerk is appointed under section 77.3.

Salary

(4) The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Clerk under subsection (1) in such circumstances as the Board considers appropriate.

Temporary Clerk

77.3 (1) If the Clerk of the Legislative Assembly is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Clerk of the Legislative Assembly.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Clerk is unable to fulfil the duties of his or her office or the office becomes vacant, the Board of Internal Economy may appoint a temporary Clerk of the Legislative Assembly.

Powers, salary and benefits

(4) A temporary Clerk shall have the powers and duties of the Clerk and shall be paid a salary and benefits determined by the Board of Internal Economy and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

(5) A temporary Clerk shall hold office until,

- (a) the Clerk is able to fulfil the duties of the office, where the appointment resulted from the Clerk being unable to do so;
- (b) where the appointment resulted from a suspension of the Clerk, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 77.1 (4) or by operation of subsection 77.1 (5);
- (c) the Assembly appoints a different temporary Clerk under subsection (1); or
- (d) the Assembly appoints a Clerk under section 77.

Appointment of officers and employees

77.4 (1) The Speaker may appoint the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration upon such terms and conditions as the Speaker may recommend, and shall also appoint the other employees of the Office of the Assembly.

Transition

(2) The Sergeant-at-Arms and the other employees of the Office of the Assembly who are in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent are deemed to continue to hold office for the purposes of this section.

5 Section 95 of the Act is repealed and the following substituted:

Discipline

95 (1) The Speaker may suspend or reprimand for misconduct the First Clerk Assistant, the Sergeant-at-Arms or the Director of Administration.

Same

(2) The Speaker may recommend to the Lieutenant Governor in Council the dismissal for misconduct of an employee of the Office of the Assembly mentioned in subsection (1).

Same

(3) The Speaker may dismiss, suspend or reprimand for misconduct any other employee of the Office of the Assembly.

6 Section 103 of the Act is repealed and the following substituted:

Legislative Protective Service

103 (1) The branch of the Office of the Assembly known as the Legislative Protective Service is continued.

Mandate

(2) The Legislative Protective Service is responsible for all matters with respect to physical security within the legislative precinct, including controlling access to and from the precinct, preserving and maintaining the public peace, protecting life and property and protecting the legislative process.

Speaker responsible

(3) The Speaker, as the custodian of the powers, privileges, rights and immunities of the Assembly and of the members of the Assembly, is responsible for the Legislative Protective Service.

Guidelines and directives

(4) The Speaker may issue guidelines and directives for the physical security of the legislative precinct.

Same

(5) The Legislative Protective Service shall provide security services in accordance with any guidelines and directives issued under subsection (4).

Status as peace officers

(6) The Sergeant-at-Arms and such employees in the Legislative Protective Service as the Speaker may select are designated as peace officers for the purposes of this section,

- (a) while in the legislative precinct; and
- (b) while in fresh pursuit.

Use of weapons

(7) The Speaker may authorize one or more of the persons designated as peace officers under subsection (6) to possess and use weapons, including firearms and prohibited weapons under the *Criminal Code* (Canada), in the legislative precinct for the purposes of this section and may impose conditions or restrictions on the authorization.

Powers of a police officer

(8) Subject to any regulations made under subsection (10), every person designated as a peace officer under subsection (6) has the powers of a police officer in the legislative precinct for the purposes of this section, including, without limiting the generality of the foregoing, the powers to enforce the following Acts:

1. The *Highway Traffic Act*.
2. The *Liquor Licence Act*.
3. The *Mental Health Act*.
4. The *Motorized Snow Vehicles Act*.
5. The *Provincial Offences Act*.
6. The *Trespass to Property Act*.
7. The *Criminal Code* (Canada).
8. The *Youth Criminal Justice Act* (Canada).

Definition of legislative precinct

(9) In this section,

“legislative precinct” means,

- (a) the Legislative Building,
- (b) the grounds of the Legislative Building bounded in the north by Wellesley Street West and in the south, east and west by Queen’s Park Crescent East and Queen’s Park Crescent West in the City of Toronto,
- (c) the first, second and third floors of the Whitney Block located at 23 Queen’s Park Crescent East and 99 Wellesley Street West in the City of Toronto,
- (d) the tunnel between the Legislative Building and the Whitney Block,
- (e) any other premises or areas that are designated by the Lieutenant Governor in Council,

but does not include constituency offices of members of the Assembly.

Regulations

(10) The Lieutenant Governor in Council may make regulations prescribing Acts to which subsection (8) does not apply.

7 The Act is amended by adding the following heading and section:

MISCELLANEOUS

Transitional regulations

109 (1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 23 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflict

(2) If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under any other Act, the regulation made under subsection (1) prevails.

Commencement

8 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

SCHEDULE 24
MEMBERS' INTEGRITY ACT, 1994

1 (1) The French version of clause (c) of the definition of “private interest” in section 1 of the *Members' Integrity Act, 1994* is amended by striking out “fonctionnaire” and substituting “haut fonctionnaire”.

(2) Section 1 of the Act is amended by adding the following definition:

“recognized party” has the same meaning as in subsection 62 (5) of the *Legislative Assembly Act*; (“parti reconnu”)

2 Sections 23 and 23.1 of the Act are repealed and the following substituted:

Commissioner

23 (1) There shall be an Integrity Commissioner who is an officer of the Assembly.

Appointment

(2) The Assembly shall, by order, appoint the Commissioner.

Selection by panel

(3) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (2) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Term of office

23.1 (1) The Commissioner shall hold office for a term of five years and may be reappointed for one further term of five years.

Selection by panel

(2) Subsection 23 (3) applies with respect to a reappointment under subsection (1) of this section.

Continuation in office

(3) By order of the Assembly, the Commissioner may continue to hold office after expiry of his or her term of office until a temporary Commissioner is appointed under section 23.5 or until a successor is appointed.

Transition

(4) The Commissioner in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent is deemed to be in the first term of his or her appointment and shall continue to hold office for the remainder of the term.

Removal or suspension

23.2 (1) The Assembly may, by order,

- (a) remove the Commissioner from office for cause; or
- (b) suspend the Commissioner where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board of Internal Economy may suspend the Commissioner where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Commissioner is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board of Internal Economy revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Commissioner is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board of Internal Economy shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

- (7) For the purposes of this section and sections 23.5 and 23.7, the Assembly is not in session when it is,
- (a) prorogued; or
 - (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Salary and benefits

23.3 (1) The Board of Internal Economy shall determine the salary and benefits of the Commissioner.

Pension plan

(2) Subject to subsections (3) and (4), the Commissioner is a member of the Public Service Pension Plan.

Notice re pension plan

(3) Within 60 days after his or her appointment takes effect, the Commissioner may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan.

Same

(4) If the Commissioner gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect.

Expenses

(5) Subject to the approval of the Board of Internal Economy, the Commissioner is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Transition

(6) The remuneration and allowances of the Commissioner in office immediately before the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent continue to be determined in accordance with subsection 23 (9) of this Act, as it read immediately before that day, for the remainder of the Commissioner’s term of office.

Designation by Commissioner

23.4 (1) The Commissioner shall designate an individual from among the employees of the office of the Commissioner who shall have the powers and duties of the Commissioner if the Commissioner is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Commissioner unless a temporary Commissioner is appointed under section 23.5.

Salary

(4) The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Commissioner under subsection (1) in such circumstances as the Board considers appropriate.

Temporary Commissioner

23.5 (1) If the Commissioner is unable to fulfil the duties of his or her office or the office becomes vacant, the Assembly may, by order, appoint a temporary Integrity Commissioner.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Commissioner is unable to fulfil the duties of his or her office or the office becomes vacant, the Board of Internal Economy may appoint a temporary Integrity Commissioner.

Powers, salary and benefits

(4) A temporary Commissioner shall have the powers and duties of the Commissioner and shall be paid a salary and benefits determined by the Board of Internal Economy and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

- (5) A temporary Commissioner shall hold office until,
- (a) the Commissioner is able to fulfil the duties of the office, where the appointment resulted from the Commissioner being unable to do so;
 - (b) where the appointment resulted from a suspension of the Commissioner, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 23.2 (4) or by operation of subsection 23.2 (5);
 - (c) the Assembly appoints a different temporary Commissioner under subsection (1); or
 - (d) the Assembly appoints a Commissioner under section 23.

Subsequent appointment not prohibited

23.6 A person who continues his or her first term as Commissioner under subsection 23.1 (3) or who is appointed as a temporary Commissioner is not prohibited from a subsequent appointment as Commissioner under section 23 and, in the case of such an appointment, the previous time in office does not count toward the term of office set out in subsection 23.1 (1).

Restrictions re other work, etc.

23.7 (1) The Commissioner shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board of Internal Economy when the Assembly is not in session, hold any other office or employment.

Exception

(2) Despite subsection (1), the Commissioner may hold more than one office to which he or she has been appointed by the Assembly or the Board of Internal Economy.

Oath of office

23.8 (1) Before beginning the duties of his or her office, the Commissioner shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office.

Same

(2) The Speaker or the Clerk of the Assembly shall administer the oath or affirmation.

Nature of office

23.9 (1) The Commissioner holds office for a fixed term and is not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, an employee of the Assembly or an employee of the office of the Integrity Commissioner.

Notice not required

(2) No notice to the Commissioner is required before the expiry of the Commissioner's term of office.

Protection from liability

23.10 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 24 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before the expiry of a term of office of the Commissioner;
- (b) not being appointed or reappointed, or considered for appointment or reappointment, as the Commissioner;
- (c) removal or suspension of the Commissioner; or
- (d) any decision of the Board of Internal Economy regarding the salary or benefits of the Commissioner.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Commissioner and the employees of the office of the Commissioner.

Staff

23.11 The employees who are necessary for the performance of the Commissioner’s duties shall be members of the staff of the Office of the Assembly.

Powers and duties

23.12 The Commissioner may exercise the powers and shall perform the duties assigned to him or her under this Act and any other Act.

3 Subsection 36 (2) of the Act is amended by striking out “as defined in subsection 62 (5) of the *Legislative Assembly Act*” in the portion before paragraph 1.

4 Section 37 of the Act is repealed and the following substituted:

Transitional regulations

37 (1) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 24 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflict

(2) If there is a conflict between a regulation made under subsection (1) and a provision of this or any other Act or a provision of another regulation made under any other Act, the regulation made under subsection (1) prevails.

Commencement

5 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 25
METROLINX ACT, 2006**

1 (1) The definition of “regional transit system” in subsection 1 (1) of the *Metrolinx Act, 2006* is amended by striking out “and” at the end of clause (a) and adding the following clause:

- (a.1) the passenger transportation system between downtown Toronto and Toronto Pearson International Airport that is known as the Union Pearson Express, and

(2) The definition of “regional transportation area” in subsection 1 (1) of the Act is repealed and the following substituted:

“regional transportation area” means the area comprised of,

- (a) the geographic areas of,
- (i) the City of Toronto,
 - (ii) the City of Hamilton,
 - (iii) the Regional Municipality of Durham,
 - (iv) the Regional Municipality of Halton,
 - (v) the Regional Municipality of Peel,
 - (vi) the Regional Municipality of York,
 - (vii) the Regional Municipality of Niagara,
 - (viii) Haldimand County,
 - (ix) the County of Brant,
 - (x) the City of Brantford,
 - (xi) the Regional Municipality of Waterloo,
 - (xii) the County of Wellington,
 - (xiii) the City of Guelph,
 - (xiv) the County of Dufferin,
 - (xv) the County of Simcoe,
 - (xvi) the City of Barrie,
 - (xvii) the City of Orillia,
 - (xviii) the City of Kawartha Lakes,
 - (xix) the County of Peterborough,
 - (xx) the City of Peterborough, and
 - (xxi) the County of Northumberland; and
- (b) any additional prescribed areas; (“secteur régional de transport”)

(3) The definition of “transportation plan” in subsection 1 (1) of the Act is repealed and the following substituted:

“transportation plan” means the transportation plan for the regional transportation area under section 6. (“plan de transport”)

(4) Subsection 1 (2) of the Act is repealed.

2 Sections 5 and 6 of the Act are repealed and the following substituted:

Objects

5 (1) The objects of the Corporation are,

- (a) to provide leadership in the co-ordination, planning, financing, development and implementation of an integrated transit network in the regional transportation area that,
- (i) conforms with transportation policies of growth plans prepared and approved under the *Places to Grow Act, 2005* applicable in the regional transportation area,
 - (ii) conforms with other provincial transportation policies and plans applicable in the regional transportation area, and

- (iii) supports a high quality of life, a sustainable environment and a strong, prosperous and competitive economy;
- (b) to act as the central procurement agency for the procurement of local transit system vehicles, equipment, technologies and facilities and related supplies and services on behalf of Ontario municipalities;
- (c) to be responsible for the operation of the regional transit system and the provision of other transit services; and
- (d) to provide other advice and services in accordance with section 8.2.

Conformance with government objectives, plans, policies and strategies

(2) In carrying out its objects, the Corporation shall conform with the objectives, plans, policies and strategies mentioned in clauses 6 (3) (a) to (c).

Duties of Corporation re leadership in regional transit integration

6 (1) In carrying out its objects as described in clause 5 (1) (a), the Corporation shall,

- (a) subject to the approval of the Minister, make a transportation plan for the regional transportation area;
- (b) plan, co-ordinate and set priorities for the implementation of the transportation plan;
- (c) fund, or arrange and manage the funding for, an integrated transit network in the regional transportation area;
- (d) promote and facilitate co-ordinated decision-making and investment in the regional transportation area among the governments of the municipalities in the regional transportation area and the federal and provincial governments in order to ensure the efficient and cost-effective resolution of matters of shared concern respecting transit, including,
 - (i) the provision and the optimal use and location of transit infrastructure,
 - (ii) the integration of transit infrastructure, and
 - (iii) the integration of routes, fares and schedules of the regional transit system and of local transit systems in the regional transportation area; and
- (e) promote the safety, efficiency and protection of transportation corridors.

Minister's power in approving transportation plan

(2) The Minister may, in approving the transportation plan, approve it with such amendments as the Minister considers appropriate.

Requirements for transportation plan

(3) The transportation plan required by clause (1) (a) must,

- (a) conform with such objectives for the regional transportation area as may be directed by order of the Lieutenant Governor in Council;
- (b) conform with the Minister's transportation plans, policies and strategies for the province as they apply to the regional transportation area;
- (c) conform with the prescribed provincial plans and policies;
- (d) conform with the growth plans prepared and approved under the *Places to Grow Act, 2005* applicable in the regional transportation area;
- (e) promote the integration of local transit systems in the regional transportation area with each other and with the regional transit system;
- (f) work towards easing congestion and commute times in the regional transportation area;
- (g) promote transit-supportive development to increase transit ridership and to support the viability and optimization of transit infrastructure; and
- (h) address such other matters and include such other information as may be prescribed.

Reviews of and amendments to the transportation plan

(4) The Corporation may, subject to the approval of the Minister, or shall, at the direction of the Minister,

- (a) conduct a review of the transportation plan; or
- (b) amend the transportation plan.

Minister's power in approving amendments

(5) The Minister may, in approving amendments to the transportation plan, approve the amendments with such amendments to the amendments as the Minister considers appropriate, including by adding amendments not made by the Corporation.

Consultation on the transportation plan

(6) During the development of the transportation plan, during a review of the transportation plan, or prior to an amendment to the transportation plan, the Corporation shall carry out such consultation as the Minister may direct.

Corporation guided by transportation plan

(7) The Corporation shall be guided in all its decisions and actions by the transportation plan.

Plan available to the public

(8) The Corporation shall ensure that the transportation plan is available for public inspection in such manner as the Corporation's board of directors considers appropriate.

3 Subsection 7 (1) of the Act is repealed and the following substituted:**Duties of Corporation re unified fare system**

(1) In carrying out its objects as described in clause 5 (1) (a), the Corporation shall plan, design, develop, acquire by purchase, lease, assignment or otherwise, construct, maintain, operate, dispose of, lease, license or sublicense all or any part of a unified fare system applicable to,

- (a) the regional transit system;
- (b) the local transit systems in the geographic areas of the City of Toronto, the City of Hamilton, the Regional Municipality of Durham, the Regional Municipality of Halton, the Regional Municipality of Peel and the Regional Municipality of York; and
- (c) the local transit systems of municipalities outside the areas mentioned in clause (b) that agree to participate.

4 Subsection 8.1 (4) of the Act is repealed and the following substituted:**Notice of changes to transit services**

(4) The Corporation shall give written notice to the Minister before it passes a by-law under subsection (3) respecting,

- (a) the location, route or frequency of a transit service;
- (b) a fare charged for a transit service;
- (c) a fee charged for parking;
- (d) the termination of a transit service; or
- (e) the closing of a parking lot.

5 The Act is amended by adding the following section:**Duties of Corporation re other advice and services****Advice**

8.2 (1) The Corporation shall provide the Government with advice on such matters related to transportation as the Minister directs the Corporation to advise on.

Services

(2) The Corporation shall provide the Government with services in respect of such matters related to transportation as the Minister directs.

6 (1) Subsection 9 (1) of the Act is amended by adding "Subject to any directives issued under section 31" at the beginning.

(2) Subsection 9 (4) of the Act is repealed.

(3) Subsection 9 (10) of the Act is repealed.

7 The Act is amended by adding the following section:**Provincial representative**

9.1 (1) The Lieutenant Governor in Council, on the recommendation of the Minister, may appoint a representative and an alternate representative.

Role of provincial representative

(2) The representative is entitled to,

- (a) receive notice of all meetings of the board;
- (b) receive all documents provided to the directors in connection with all meetings of the board; and

(c) be present and participate throughout all meetings of the board.

Role of alternate representative

(3) If the representative is unable to act, the alternate representative has all the entitlements of the representative.

Clarification, in-camera meetings

(4) For greater certainty, the entitlements of the representative extend to all in-camera meetings of the board.

8 (1) Paragraph 2 of subsection 11 (3) of the Act is repealed and the following substituted:

2. When the board is deliberating in respect of a transportation plan or in respect of a review of or amendment to the transportation plan.

(2) Paragraph 3 of subsection 11 (3) of the Act is repealed.

9 Subclauses 16 (2) (b) (i) and (ii) of the Act are repealed and the following substituted:

- (i) the regional transit system, and

10 (1) Subsection 21 (5) of the Act is repealed and the following substituted:

Appointment of officers

(5) Officers for the purpose of administering and enforcing the by-laws passed under subsection (1) may be appointed as follows:

1. The Corporation may appoint one or more of the following:
 - i. The Corporation's employees, for the purpose of administering and enforcing in relation to transportation services operated by the Corporation or operated on behalf of the Corporation.
 - ii. The employees of a subsidiary of the Corporation, but only for the purpose of administering and enforcing in relation to transportation services operated by the subsidiary or operated on behalf of the subsidiary.
 - iii. The employees of a municipality or local board within the meaning of the *Municipal Act, 2001*, but only for the purpose of administering and enforcing in relation to transportation services that the municipality or local board operates on behalf of the Corporation or operates on behalf of one of the Corporation's subsidiaries.
2. A subsidiary of the Corporation may appoint one or more of the following:
 - i. The subsidiary's employees, but only for the purpose of administering and enforcing in relation to transportation services operated by the subsidiary or operated on behalf of the subsidiary.
 - ii. The employees of a municipality or local board within the meaning of the *Municipal Act, 2001*, but only for the purpose of administering and enforcing in relation to transportation services that the municipality or local board operates on behalf of the subsidiary.

(2) The French version of subsection 21 (5.1) of the Act is amended by striking out "constable en common law" and substituting "agent en common law".

11 Subsection 24 (3) of the Act is repealed.

12 Subsection 31 (1.1) of the Act is repealed.

13 (1) Clauses 31.1 (2) (b) and (c) of the Act are repealed and the following substituted:

- (b) have regard to the transportation plan; and
- (c) ensure that the transportation planning policy statement conforms with the growth plans prepared and approved under the *Places to Grow Act, 2005* applicable in the regional transportation area.

(2) The English version of subsection 31.1 (15) of the Act is amended by striking out "changes" and substituting "amends".

14 Section 32 of the Act is repealed and the following substituted:

Business plan

32 (1) The Corporation's board of directors shall adopt a business plan for each fiscal year.

Rolling five-year capital plan

(2) The business plan shall include the rolling five-year capital plan prepared under section 23.1.

Submission to Minister

(3) The board shall submit a copy of the business plan to the Minister for approval.

15 Section 32.1 of the Act is repealed.

16 Subsection 33.2 (1) of the Act is repealed and the following substituted:

Other reports

(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, including but not limited to information about,

- (a) contract management;
- (b) consultant assignments;
- (c) sponsorship agreements;
- (d) staffing;
- (e) salaries; and
- (f) any other financial or organizational matter.

17 Subsection 39.1 (1) of the Act is repealed.

18 Section 41 of the Act is repealed.

19 (1) Clause 42 (1) (d) of the Act is amended by striking out “clause 6 (2) (d)” and substituting “clause 6 (3) (c)”.

(2) Clause 42 (1) (e) of the Act is amended by striking out “Corporation’s”.

20 Section 46 of the Act is repealed.

Commencement

21 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 26
MOTOR VEHICLE ACCIDENT CLAIMS ACT**

1 Subsection 1 (1) of the *Motor Vehicle Accident Claims Act* is amended by adding the following definition:

“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 Act is amended by adding the following section:

Transition, continuing action

15.1 (1) If the Superintendent is a party to an action under this Act that has not been finally determined when section 7 of Schedule 26 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, the Director replaces the Superintendent as the party to the action on the day section 7 of Schedule 26 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, the action continues to proceed and no order to continue is required.

Transition, rulings, etc.

(2) Any matter that relates to a ruling, order or judgment in favour of or against the Superintendent, made in relation to an action under this Act, and that remains outstanding on the day section 7 of Schedule 26 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, may be enforced by or against the Director.

3 Section 19 of the Act is amended by striking out “subsection 23 (4)” and substituting “subsection 23 (4.1)”.

4 Section 23 of the Act is amended by adding the following subsection:

Same

(4.1) Subject to subsection (5), the Minister shall not pay out of the Fund in respect of judgments against the Director for damages more than \$200,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident.

5 Section 27.1 of the Act is amended by adding “or the Director” after “Superintendent” in the portion before clause (a).

6 The Act is amended by striking out “Superintendent” wherever it appears in the following provisions and substituting in each case “Chief Executive Officer”:

1. Section 2.
2. Subsection 6 (1).
3. Subsection 6.1 (1).

7 The Act is amended by striking out “Superintendent” wherever it appears in the following provisions and substituting in each case “Director”:

1. Section 3.
2. Section 12.
3. Section 13.
4. Section 14.
5. Section 15.
6. Section 16.
7. Section 17.
8. Section 19.
9. Section 20.
10. Section 21.
11. Section 22.
12. Section 29.

Commencement

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

SCHEDULE 27
MUNICIPAL ACT, 2001

1 (1) Section 115 of the *Municipal Act, 2001* is amended by striking out “smoking of tobacco” wherever it appears and substituting in each case “smoking of tobacco or cannabis”.

(2) The definition of “smoking of tobacco” in subsection 115 (11) of the Act is repealed.

(3) Section 115 of the Act is amended by adding the following subsection:

Application

(12) For greater certainty, a reference in this section to the smoking of tobacco or cannabis includes,

- (a) the holding of lighted tobacco or cannabis; and
- (b) the consumption of tobacco or cannabis through the use of an electronic cigarette.

Commencement

2 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 28
OMBUDSMAN ACT**

1 Subsection 1 (1) of the *Ombudsman Act* is amended by adding the following definitions:

“child” has the same meaning as in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*; (“enfant”)

“children’s aid society” means an agency designated as a children’s aid society under subsection 34 (1) of the *Child, Youth and Family Services Act, 2017*; (“société d’aide à l’enfance”)

“children’s aid society service” means a service provided by a children’s aid society in performing a function under subsection 35 (1) of the *Child, Youth and Family Services Act, 2017*; (“service d’une société d’aide à l’enfance”)

“recognized party” has the same meaning as in subsection 62 (5) of the *Legislative Assembly Act*; (“parti reconnu”)

“residential licensee” means the holder of a licence issued under Part IX of the *Child, Youth and Family Services Act, 2017*; (“titulaire de permis d’un foyer”)

“young person” has the same meaning as in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*. (“adolescent”)

2 (1) Sections 2 to 7 of the Act are repealed and the following substituted:

Ombudsman

2 (1) There shall be an Ombudsman who is an officer of the Assembly.

Appointment

(2) The Assembly shall, by order, appoint the Ombudsman.

Selection by panel

(3) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (2) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Term of office

3 (1) The Ombudsman shall hold office for a term of five years and may be reappointed for one further term of five years.

Selection by panel

(2) Subsection 2 (3) applies with respect to a reappointment under subsection (1) of this section.

Continuation in office

(3) By order of the Assembly, the Ombudsman may continue to hold office after expiry of his or her term of office until a temporary Ombudsman is appointed under section 7 or until a successor is appointed.

Transition

(4) The Ombudsman in office immediately before the day subsection 2 (1) of Schedule 28 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force is deemed to be in the first term of his or her appointment and shall continue to hold office for the remainder of the term.

Removal or suspension

4 (1) The Assembly may, by order,

(a) remove the Ombudsman from office for cause; or

(b) suspend the Ombudsman where the Assembly is of the opinion the suspension is warranted.

Suspension if Assembly not in session

(2) If the Assembly is not in session, the Board of Internal Economy may suspend the Ombudsman where the Board is of the opinion the suspension is warranted.

Duration of suspension

(3) A suspension under clause (1) (b) continues until revoked by order of the Assembly or until the Ombudsman is removed from office pursuant to clause (1) (a).

Same

(4) Unless the Board of Internal Economy revokes the suspension before the next sitting of the Assembly, a suspension under subsection (2) continues until revoked by order of the Assembly or until the Ombudsman is removed from office pursuant to clause (1) (a).

Same

(5) Despite subsection (4), no suspension imposed under subsection (2) continues past the 20th sessional day of the next sitting of the Assembly.

Report to Assembly

(6) The Board of Internal Economy shall report to the Assembly any action taken under subsections (2) and (4) at the earliest opportunity of the next sitting of the Assembly.

Meaning of “not in session”

(7) For the purposes of this section and sections 7 and 7.2, the Assembly is not in session when it is,

- (a) prorogued; or
- (b) adjourned for an indefinite period or to a day that is more than seven days after the date on which the Assembly was adjourned.

Salary and benefits

5 (1) The Board of Internal Economy shall determine the salary and benefits of the Ombudsman.

Pension plan

(2) Subject to subsections (3) and (4), the Ombudsman is a member of the Public Service Pension Plan.

Notice re pension plan

(3) Within 60 days after his or her appointment takes effect, the Ombudsman may notify the Speaker in writing that he or she elects not to be a member of the Public Service Pension Plan.

Same

(4) If the Ombudsman gives notice of their election to the Speaker in accordance with subsection (3), the election is irrevocable and is deemed to have taken effect when the appointment took effect.

Expenses

(5) Subject to the approval of the Board of Internal Economy, the Ombudsman is entitled to be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Transition

(6) The salary and expenses of the Ombudsman in office immediately before the day subsection 2 (1) of Schedule 28 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force continue to be determined in accordance with subsections 6 (1) to (3) of this Act, as they read immediately before that day, for the remainder of the Ombudsman’s term of office.

Designation by Ombudsman

6 (1) The Ombudsman shall designate an individual from among the employees of the Ombudsman who shall have the powers and duties of the Ombudsman if the Ombudsman is absent or unable to fulfil the duties of his or her office or if the office becomes vacant.

Designation in writing

(2) A designation under subsection (1) shall be in writing to the Speaker.

Powers and duties

(3) The individual designated under subsection (1) shall have the powers and duties of the Ombudsman unless a temporary Ombudsman is appointed under section 7.

Salary

(4) The Board of Internal Economy may increase the salary of an individual who assumes the powers and duties of the Ombudsman under subsection (1) in such circumstances as the Board considers appropriate.

Temporary Ombudsman

7 (1) If the Ombudsman is unable to fulfil the duties of his or her office or if the office becomes vacant, the Assembly may, by order, appoint a temporary Ombudsman.

Selection by panel

(2) Unless decided otherwise by unanimous consent of the Assembly, an order shall be made under subsection (1) only if the person to be appointed has been selected by unanimous agreement of a panel composed of one member of the Assembly from each recognized party, chaired by the Speaker who is a non-voting member.

Appointment if Assembly not in session

(3) If, while the Assembly is not in session, the Ombudsman is unable to fulfil the duties of his or her office or the office becomes vacant, the Board of Internal Economy may appoint a temporary Ombudsman.

Powers, salary and benefits

(4) A temporary Ombudsman shall have the powers and duties of the Ombudsman and shall be paid a salary and benefits determined by the Board of Internal Economy and, subject to the approval of the Board, be reimbursed for reasonable expenses that he or she incurs in respect of anything done under this Act.

Duration of office

(5) A temporary Ombudsman shall hold office until,

- (a) the Ombudsman is able to fulfil the duties of the office, where the appointment resulted from the Ombudsman being unable to do so;
- (b) where the appointment resulted from a suspension of the Ombudsman, the suspension is revoked by order of the Assembly, by the Board of Internal Economy under subsection 4 (4) or by operation of subsection 4 (5);
- (c) the Assembly appoints a different temporary Ombudsman under subsection (1); or
- (d) the Assembly appoints an Ombudsman under section 2.

Subsequent appointment not prohibited

7.1 A person who continues his or her first term as Ombudsman under subsection 3 (3) or who is appointed as a temporary Ombudsman is not prohibited from a subsequent appointment as Ombudsman under section 2 and, in the case of such an appointment, the previous time in office does not count toward the term of office set out in subsection 3 (1).

Restrictions re other work, etc.

7.2 (1) The Ombudsman shall not be a member of the Assembly and shall not, without prior approval by the Assembly, or by the Board of Internal Economy when the Assembly is not in session, hold any other office or employment.

Exception

(2) Despite subsection (1), the Ombudsman may hold more than one office to which he or she has been appointed by the Assembly or the Board of Internal Economy.

Oath of office and secrecy

7.3 (1) Before beginning the duties of his or her office, the Ombudsman shall take an oath or affirmation that he or she will faithfully and impartially exercise the functions of the office and that he or she will not, except in accordance with subsection (3), disclose any information received by him or her as Ombudsman.

Same

(2) The Speaker or the Clerk of the Assembly shall administer the oath or affirmation.

Disclosure

(3) The Ombudsman may disclose in any report made by him or her under this Act such matters as in the Ombudsman's opinion ought to be disclosed in order to establish grounds for his or her conclusions and recommendations.

Nature of office

7.4 (1) The Ombudsman holds office for a fixed term and is not a public servant within the meaning of the *Public Service of Ontario Act, 2006*, an employee of the Assembly or an employee of the office of the Ombudsman.

Notice not required

(2) No notice to the Ombudsman is required before the expiry of the Ombudsman's term of office.

Protection from liability

7.5 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 28 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing,

- (a) lack of notice before the expiry of a term of office of the Ombudsman;
- (b) not being appointed or reappointed, or considered for appointment or reappointment, as the Ombudsman;
- (c) removal or suspension of the Ombudsman;
- (d) any decision of the Board of Internal Economy regarding the salary or benefits of the Ombudsman; or
- (e) any variation in the terms and conditions of employment of employees mentioned in section 9.1.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers, including the Ombudsman and the employees of the office of the Ombudsman.

(2) Subsection 7.3 (1) of the Act, as enacted by subsection (1), is amended by adding “or regulations made under subsection (5)” after “subsection (3)”.

(3) Section 7.3 of the Act, as enacted by subsection (1), is amended by adding the following subsections:

Prohibition : identifying child

(4) Despite subsection (3), the Ombudsman shall not disclose in any report the name of or any identifying information about a child to whom an investigation conducted under subsection 14 (1.1) may relate.

Regulations

(5) The Lieutenant Governor in Council may make regulations authorizing the Ombudsman to disclose information in the performance of his or her functions under this Act.

Interpretation

(6) Nothing in this section limits the prohibition against identifying a child set out in subsection 87 (8) of the *Child, Youth and Family Services Act, 2017* or the restrictions that apply under subsection 227 (1) of that Act, after an adoption order is made, to information that relates to the adoption.

3 The Act is amended by adding the following section:**Employees of the Provincial Advocate**

9.1 (1) Individuals who are members of the Provincial Advocate for Children and Youth’s staff who work in the office of the Provincial Advocate for Children and Youth immediately before the day section 5 of Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force become employees of the office of the Ombudsman on that day, and the Ombudsman shall continue to employ those employees on such terms and conditions as may be determined under section 8, subject to any requirements of the *Labour Relations Act, 1995*.

Same

(2) The employment of the employees described in subsection (1) is not terminated or severed, including for the purposes of the *Employment Standards Act, 2000*, and the employment of the employees immediately before and after the day section 5 of Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force is continuous for the purposes of calculating an employee’s length or period of employment.

4 The Act is amended by adding the following section:**Movement of employees**

9.2 If an individual who is a member of the Provincial Advocate for Children and Youth’s staff on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent leaves the office of the Provincial Advocate for Children and Youth to become an employee of the office of the Ombudsman on or after that day and before the day section 5 of Schedule 34 to that Act comes into force,

- (a) the employment of the employee is not terminated or severed, including for the purposes of the *Employment Standards Act, 2000*; and

- (b) the employment of the employee with the office of the Provincial Advocate for Children and Youth and the office of the Ombudsman is continuous for the purposes of calculating the employee's length or period of employment.

5 The Act is amended by adding the following section:

Transfers

9.3 The rights, obligations, assets and liabilities relating to the office of the Provincial Advocate for Children and Youth, as they exist immediately before the day section 5 of Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, become the rights, obligations, assets and liabilities of the Ombudsman on that day.

6 Section 12 of the Act is repealed.

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

Same, children's services

(1.1) In addition to the Ombudsman's function to conduct investigations under subsection (1), the Ombudsman may investigate,

- (a) any matter concerning a child with respect to a children's aid society service;
- (b) any matter concerning a child or young person with respect to a service, as defined in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*, provided by a residential licensee, including,
 - (i) a service provided by a residential licensee to a child who has been placed with the licensee by a children's aid society or another person or entity,
 - (ii) a service provided by a residential licensee to a child who has been committed to a secure treatment program pursuant to an order made under subsection 164 (1) or 167 (5) of the *Child, Youth and Family Services Act, 2017* or admitted to a secure treatment program under section 171 of that Act, and
 - (iii) a service provided by a residential licensee to a young person who is detained or committed to custody under the *Youth Criminal Justice Act* (Canada) or under the *Provincial Offences Act*; and
- (c) any other matter concerning a child or young person who is seeking or receiving a service prescribed by regulations made under clause (1.4) (a) that is provided or funded under the *Child, Youth and Family Services Act, 2017*, with respect to the service.

Application to societies, licensees etc.

(1.2) For the purposes of conducting an investigation under subsection (1.1),

- (a) this Act applies to a children's aid society, a residential licensee or a person or entity that provides a service prescribed for the purposes of clause (1.1) (c), as the case may be, as if the society, the licensee, the person or the entity were a public sector body; and
- (b) a reference in this Act to the head of the society, the licensee, the person or the entity shall be read as a reference to its administrative head.

Ombudsman, additional functions

(1.3) In addition to the Ombudsman's functions under subsections (1) and (1.1), the Ombudsman may perform a function that is prescribed by regulations made under clause (1.4) (b) respecting,

- (a) services provided or funded under the *Child, Youth and Family Services Act, 2017*; and
- (b) services provided to children who are pupils of schools established or continued under section 13 of the *Education Act*.

Regulations

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

- (a) prescribing services for the purposes of clause (1.1) (c);
- (b) prescribing functions for the purposes of subsection (1.3).

Matters excluded from investigation

(4.6) Despite subsection (1.1), the Ombudsman shall not investigate the following matters under that subsection:

1. Child deaths that fall within the jurisdiction of the Office of the Chief Coroner or of any committees that report to the Office of the Chief Coroner.
2. Any other matter prescribed by regulations made under subsection (4.7).

Regulations

(4.7) The Lieutenant Governor in Council may make regulations prescribing matters for the purposes of paragraph 2 of subsection (4.6).

8 The Act is amended by adding the following section:

Obligations of societies and licensees

14.0.1 (1) A children's aid society or residential licensee, as the case may be, shall inform a child in care, in language suitable to his or her understanding, of the existence of the Ombudsman, of the Ombudsman's functions under subsections 14 (1.1) and (1.3) and of how the Ombudsman may be contacted.

Same

(2) A children's aid society or residential licensee, as the case may be, shall afford a child in care who wishes to contact the Ombudsman with the means to do so privately and without delay.

Same

(3) Children's aid societies and residential licensees shall, without unreasonable delay, provide the Ombudsman with private access to children in care who wish to meet with the Ombudsman.

Same

(4) Children's aid societies and residential licensees shall,

- (a) prominently display at their premises, in a manner visible to persons receiving services, a notice advising of the existence and role of the Ombudsman under subsections 14 (1.1) and (1.3) and of how the Ombudsman may be contacted; and
- (b) make available on request any informational materials produced by the Ombudsman respecting his or her functions under those subsections.

Child in care

(5) In this section,

"child in care" has the same meaning as in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*.

9 (1) Subsection 16 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(2) Section 16 of the Act is amended by adding the following subsection:

Same

(1.1) Subsection (1) does not apply to a complaint made by a child or young person respecting a matter that may be investigated under subsection 14 (1.1).

10 Section 18 of the Act is amended by adding the following subsection:

Consultation, children's services

(5.4) Subsections (4) and (5) apply with necessary modifications to any investigation conducted under subsection 14 (1.1), except that,

- (a) the reference to an investigation respecting a governmental organization shall be read as a reference to an investigation respecting a children's aid society, a residential licensee, or a person or entity that provides a service that is prescribed for the purposes of clause 14 (1.1) (c), as the case may be; and
- (b) the reference to a minister shall be read as a reference to the head of the society, the licensee, the person or the entity, as the case may be.

11 Section 21 of the Act is amended by adding the following subsection:

Same

(3.5) In the case of an investigation conducted under subsection 14 (1.1), the Ombudsman shall also send a copy of the report and recommendations to the head of the children's aid society, the residential licensee or the person or entity that provides a service that is prescribed for the purposes of clause 14 (1.1) (c), as the case may be.

12 The Act is amended by adding the following section:

Regulations, functions respecting children and young persons

30.1 The Lieutenant Governor in Council may make regulations providing for any matters necessary or advisable to assist the Ombudsman in carrying out his or her functions under subsections 14 (1.1) and (1.3).

13 The Act is amended by adding the following section:

Protection from liability, Provincial Advocate

30.2 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018* to the *Provincial Advocate for Children and Youth Act, 2007* or as a result of the repeal of that Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing, the elimination of the position of Provincial Advocate for Children and Youth or any variation in the terms and conditions of employment of employees mentioned in section 9.1.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Person defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers and any former Provincial Advocate for Children and Youth and his or her staff.

14 Subsection 31 (2) of the Act is repealed and the following substituted:

Same

(2) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 28 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflicts

(3) If there is a conflict between a regulation made under this section and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under this section prevails.

15 The Act is amended by adding the following section:

Regulations, obligation to consult

32 (1) Subject to subsection (2), the Lieutenant Governor in Council shall not make regulations under this Act unless a minister or a person delegated by a minister has consulted with the Ombudsman with respect to the proposed regulations in a manner and to the extent that the minister or the delegate considers appropriate.

Exception

- (2) Subsection (1) does not apply in respect of regulations if, in the opinion of a minister,
- (a) the urgency of the situation requires the regulations to be made without consultation; or
 - (b) the proposed regulations are of a minor or technical nature.

Commencement

16 (1) **Subject to subsection (2), this Schedule comes into force on the earlier of May 1, 2019 and a day to be named by proclamation of the Lieutenant Governor.**

(2) **Subsection 2 (1) and sections 4, 6, 14 and 15 come into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.**

SCHEDULE 29
ONTARIO LOAN ACT, 2018 (NO. 2)

Borrowing authorized

1 (1) The Lieutenant Governor in Council may borrow in any manner provided by the *Financial Administration Act* such sums, not exceeding a total aggregate amount of \$1,900,000,000, as are considered necessary to discharge any indebtedness or obligation of Ontario or to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund.

Other Acts

(2) The authority to borrow conferred by this Act is in addition to that conferred by any other Act.

Expiry

2 (1) No order in council authorizing borrowing authorized under this Act shall be made after December 31, 2020.

Same

(2) The Crown shall not borrow money after December 31, 2021 under the authority of an order in council that authorizes borrowing under this Act unless, on or before December 31, 2021,

- (a) the Crown has entered into an agreement to borrow the money under the order in council; or
- (b) the Crown has entered into an agreement respecting a borrowing program and the agreement enables the Crown to borrow up to a specified limit under the order in council.

Commencement

3 The Act set out in this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

Short title

4 The short title of the Act set out in this Schedule is the *Ontario Loan Act, 2018 (No. 2)*.

**SCHEDULE 30
ONTARIO PLACE CORPORATION ACT**

1 Subsection 3 (2) of the *Ontario Place Corporation Act* is repealed and the following substituted:

Composition

(2) The Corporation shall consist of not fewer than one member and not more than 13 members appointed by the Lieutenant Governor in Council.

2 The Act is amended by adding the following section:

Winding up the Corporation

9.1 (1) The Board shall prepare a proposed plan for winding up the Corporation and transferring its assets, liabilities, rights and obligations to the Crown in right of Ontario or to an agency of the Crown.

Plan for winding up

(2) The plan for winding up the Corporation may provide for,

- (a) liquidating assets and transferring the proceeds to the Consolidated Revenue Fund or to an agency of the Crown;
- (b) transferring assets, liabilities, rights and obligations to the Crown in right of Ontario or to an agency of the Crown; and
- (c) any other matter.

Implementation

(3) Subject to the approval of the plan by the Lieutenant Governor in Council, the Board shall wind up the affairs of the Corporation and transfer its assets, liabilities, rights and obligations, including transferring the proceeds from the liquidation of assets, in accordance with the plan.

Changes to plan after approval

(4) If any changes to the plan are required after it has been approved under subsection (3), the Board shall, subject to the approval of the changes to the plan by the Lieutenant Governor in Council, continue to carry out the implementation of the plan in accordance with those changes

Power to transfer assets, etc.

(5) The following provisions apply for the purposes of implementing a plan approved under this section:

- 1. The Corporation may transfer to the Crown in right of Ontario or to an agency of the Crown any of its assets, liabilities, rights and obligations, without consideration.
- 2. If an agreement is the subject of a transfer under this section, it shall be deemed to be assignable by the Corporation without consent of any party to the agreement.
- 3. The Corporation may enter into such other agreements, execute such documents and instruments, and do such other acts and things as the Corporation considers necessary or advisable to effect a transfer authorized under this section.

Provisions regarding a transfer of assets, etc.

(6) The following provisions apply to transfers of assets, liabilities, rights and obligations of the Corporation that are made pursuant to a plan approved under this section:

- 1. The transferred asset, liability, right or obligation of the Corporation continues as the asset, liability, right or obligation of the recipient of the transfer.
- 2. A transfer of an asset, liability, right or obligation of the Corporation to the recipient of the transfer shall not constitute a change of control of the Corporation in respect of the asset, liability, right or obligation.
- 3. A transfer is deemed not to,
 - i. constitute a breach, termination, repudiation or frustration of any contract,
 - ii. constitute a breach of any Act, regulation or municipal by-law,
 - iii. constitute an event of default or force majeure,
 - iv. give rise to a breach, termination, repudiation or frustration of any licence, permit or other right,
 - v. give rise to any right to terminate or repudiate a contract, licence, permit or other right, or
 - vi. give rise to any estoppel.
- 4. Despite any other Act that requires notice or registration of a transfer, a transfer is binding on the recipient of the transfer and all other persons.

5. A conviction against, or ruling, order or judgment in favour of or against the Corporation may be enforced by or against the recipient of the transferred conviction, ruling, order or judgment.
6. The recipient of a transferred action shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against the Corporation before the date of the transfer.

Notice after implementation of plan

(7) The Board shall provide such reports as the Minister may require from time to time and shall notify the Minister in writing as soon as possible after it has finished implementing the plan.

No cause of action

(8) No cause of action arises as a direct or indirect result of anything done or not done under this section against any of the following or, as the case may be, their respective current or former appointees, directors, officers, advisers, agents and employees:

1. The Crown in right of Ontario.
2. An agency of the Crown that is a recipient of a transfer of assets, liabilities, rights or obligations of the Corporation that is made pursuant to a plan approved under this section.
3. Any current or former member of the Executive Council.
4. The Corporation.

Proceedings barred

(9) No action or other proceeding claiming any remedy or relief, including but not limited to any proceeding for a remedy in contract, restitution or tort, and any remedy under any other statute, that is directly or indirectly based on or related to anything done or not done under this section may be brought or maintained against any of the following or, as the case may be, their respective current or former appointees, directors, officers, advisers, agents and employees:

1. The Crown in right of Ontario.
2. An agency of the Crown that is a recipient of a transfer of assets, liabilities, rights or obligations of the Corporation that is made pursuant to a plan approved under this section.
3. Any current or former member of the Executive Council.
4. The Corporation.

Regulations

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

- (a) governing the development and implementation of a plan approved under this section;
- (b) setting out provisions in addition to those set out in subsection (5) that apply with respect to the implementation of a plan approved under this section;
- (c) setting out provisions in addition to those set out in subsection (6) that apply to transfers of assets, liabilities, rights and obligations under this section, including prescribing Acts which do not apply, either in whole or in part, to such transfers.

Commencement

3 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

SCHEDULE 31
ONTARIO PLACE CORPORATION REPEAL ACT, 2018

Dissolution of Corporation, transfer of assets and liabilities

1 The Ontario Place Corporation is dissolved and all its assets, liabilities, rights and obligations are hereby transferred to and vested in the Crown in right of Ontario.

No cause of action

2 (1) No cause of action arises as a direct or indirect result of anything done or not done under section 9.1 of the *Ontario Place Corporation Act* against any of the following or, as the case may be, their respective current or former appointees, directors, officers, advisers, agents and employees:

1. The Crown in right of Ontario.
2. An agency of the Crown that is a recipient of a transfer of assets, liabilities, rights or obligations of the Corporation that is made pursuant to a plan approved under section 9.1 of the *Ontario Place Corporation Act*.
3. Any current or former member of the Executive Council.
4. Ontario Place Corporation.

Proceedings barred

(2) No action or other proceeding claiming any remedy or relief, including but not limited to any proceeding for a remedy in contract, restitution or tort, and any remedy under any other statute, that is directly or indirectly based on or related to anything done or not done under section 9.1 of the *Ontario Place Corporation Act* may be brought or maintained against any of the following or, as the case may be, their respective current or former appointees, directors, officers, advisers, agents and employees:

1. The Crown in right of Ontario.
2. An agency of the Crown that is a recipient of a transfer of assets, liabilities, rights or obligations of the Corporation that is made pursuant to a plan approved under section 9.1 of the *Ontario Place Corporation Act*.
3. Any current or former member of the Executive Council.
4. Ontario Place Corporation.

Ontario Place Corporation Act

3 The *Ontario Place Corporation Act* is repealed.

Canadian National Exhibition Association Act, 1983

4 (1) Clause 5 (2) (b) of the *Canadian National Exhibition Association Act, 1983* is amended by adding “and” at the end of subclause (iv), by striking out “and” at the end of subclause (v) and by repealing subclause (vi).

(2) Clause 6 (1) (b) of the Act is repealed.

Commencement

5 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6 The short title of the Act set out in this Schedule is the *Ontario Place Corporation Repeal Act, 2018*.

**SCHEDULE 32
PAY TRANSPARENCY ACT, 2018**

1 Section 22 of the *Pay Transparency Act, 2018* is repealed and the following substituted:

Commencement

22 (1) Subject to subsection (2), this Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 21 comes into force on the later of,

- (a) the day section 212 of Schedule 1 to the *Safer Ontario Act, 2018* comes into force; and**
- (b) the day subsection 8 (7) of this Act comes into force.**

Commencement

2 This Schedule comes into force on the day *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 33
PENSION BENEFITS ACT**

1 (1) The definition of “specified beneficiary” in subsection 1 (1) of the *Pension Benefits Act* is repealed.

(2) Subsection 1 (1) of the Act is amended by adding the following definition:

“specified beneficiary” means a spouse of a retired member who is designated as a specified beneficiary for the purposes of subsection 8506 (8) of the *Income Tax Regulations* (Canada); (“bénéficiaire déterminé”)

2 The Act is amended by adding the following section:

Electronic designation of beneficiaries

30.1.1 (1) Despite anything to the contrary in the *Succession Law Reform Act*, an administrator may permit members, former members and retired members to designate beneficiaries electronically for the purposes of any provision in this Act permitting the designation of a beneficiary.

Same

(2) The administrator shall comply with any prescribed requirements respecting the electronic designation of beneficiaries.

3 Section 39.1 of the Act is amended by adding the following subsection:

Withdrawal from variable benefit account

(5) Within 60 days after the establishment of a variable benefit account for a retired member, the retired member may apply to the administrator, in accordance with such requirements and subject to such restrictions as may be prescribed, to withdraw from the retired member’s variable benefit account or transfer from it to a registered retirement savings arrangement an amount representing up to 50 per cent of the amount transferred to the retired member’s variable benefit account at the time the account was established.

4 (1) Subsection 43.1 (2) of the Act is amended by adding “or to the surviving spouse of a member, former member or retired member” before “may purchase”.

(2) Subsection 43.1 (3) of the Act is repealed and the following substituted:

Notice of purchase

(3) The administrator shall give notice of the purchase under subsection (2), in accordance with the prescribed requirements, to the following persons, as applicable:

1. The former member in respect of whom the purchase was made.
2. The retired member in respect of whom the purchase was made.
3. The surviving spouse in respect of whom the purchase was made.
4. The spouse of a retired member, if the purchase was made in respect of a retired member whose spouse is receiving a specified amount or a portion of the pension instalment otherwise payable to the retired member under section 67.4 or 67.6.

(3) Subsection 43.1 (4) of the Act is amended by adding the following paragraph:

- 2.1 In the case of a purchase in respect of a surviving spouse receiving a joint and survivor pension under section 44 or a surviving spouse receiving a pension under section 48, the pension purchased from the insurance company must provide the surviving spouse with payments in the same amount and form as the pension that the surviving spouse would have received from the pension plan had the purchase not been made.

(4) Paragraph 3 of subsection 43.1 (4) of the Act is amended by striking out “subsection 67.4 (1)” and substituting “section 67.4 or 67.6”.

(5) Subsection 43.1 (4) of the Act is amended by adding the following paragraph:

- 3.1 In the case of a purchase in respect of a surviving spouse entitled to a deferred pension under section 48, the deferred pension purchased from the insurance company must provide the same benefit as the benefit the surviving spouse would have received from the pension plan had the purchase not been made.

(6) Subsection 43.1 (5) of the Act is repealed and the following substituted:

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, in the actuary’s opinion, the administrator has complied with subsection (4) in respect of the purchase or purchases, as the case may be;

- (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, in the actuary's opinion, the administrator has complied with subsection (4) in respect of the purchase or purchases, as the case may be; and
- (c) in the case of a surviving spouse in respect of whom the purchase of a pension or a deferred pension has been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary's opinion, the administrator has complied with subsection (4) in respect of the purchase.

(7) Subsection 43.1 (6) of the Act is repealed and the following substituted:

Discharge, previous 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 from an insurance company under section 43 before the day the *Restoring Trust, Transparency and Accountability Act, 2018* received Royal Assent 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, in the actuary's opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied;
- (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, in the actuary's opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied; and
- (c) in the case of a surviving spouse in respect of whom the purchase of a pension or deferred pension has been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary's opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied.

Discharge, other purchases under s. 43

(6.1) Subject to subsections (6.2) and (7), an administrator of a single employer pension plan that provides defined benefits who purchases a pension, deferred pension or ancillary benefit from an insurance company under section 43 on or after the day the *Restoring Trust, Transparency and Accountability Act, 2018* received Royal Assent 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, in the actuary's opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied;
- (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, in the actuary's opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied; and
- (c) in the case of a surviving spouse in respect of whom the purchase of a pension or deferred pension has been made, on filing a certificate prepared and signed by an actuary certifying that, in the actuary's opinion, either the original purchase or subsequent adjustments made to the original purchase result in the prescribed requirements being satisfied.

Conditions for discharge under subs. (6.1)

(6.2) The administrator is only discharged under subsection (6.1) if, on the date of the purchase of the pension, deferred pension or ancillary benefit under section 43, the purchase satisfies the prescribed requirements, conditions or limitations relating to funding.

(8) Subsection 43.1 (7) of the Act is repealed and the following substituted:

Notice re purchase under s. 43

(7) Subsections (6) and (6.1) do not apply unless the administrator has, in accordance with the prescribed requirements, given notice to the following persons, as applicable, that it intends to file the certificate mentioned in subsection (6) or (6.1):

1. The former member in respect of whom the purchase was made.
2. The retired member in respect of whom the purchase was made.
3. The surviving spouse in respect of whom the purchase was made.
4. The spouse of a retired member, if the purchase was made in respect of a retired member whose spouse is receiving a specified amount or a portion of the pension instalment otherwise payable to the retired member under section 67.4 or 67.6.

(9) Subsection 43.1 (9) of the Act is amended by adding “whether or not the pension plan actually had a surplus on the date of the purchase” at the end.

(10) Section 43.1 of the Act is amended by adding the following subsections:

No discharge if requirements not met

(10) Subject to subsection (12), if it is discovered after the filing of a certificate mentioned in subsection (5), (6) or (6.1) that the purchase referred to in the certificate did not satisfy the requirements of this section, the administrator is deemed, as of the filing of the certificate, not to have been discharged under this section.

Notice

(11) An administrator that is deemed under subsection (10) not to have been discharged shall promptly notify the former member, retired member, spouse or surviving spouse, as applicable, that the administrator,

- (a) failed to satisfy the requirements of this section; and
- (b) is no longer deemed to have been discharged under this section.

Discharge after subs. (10) applies

(12) If an administrator is deemed under subsection (10) not to have been discharged, the administrator may be discharged again if the administrator satisfies the requirements of this section.

Order for repayment

(13) Subject to section 89 (notices and hearings), the Superintendent may, by order, require the insurance company from which the pension, deferred pension or ancillary benefit was purchased under subsection (2), (6) or (6.1) to repay an amount not greater than the amount of the payment, with interest, if the purchase does not satisfy the requirements of this section.

Enforcement

(14) Subject to section 89 (notices and hearings), an order for repayment under subsection (13) may be filed in the Superior Court of Justice without reasons and, on filing, is enforceable as an order of that court.

5 The Act is amended by adding the following section:

Unlocking for non-resident

50.0.1 A pension plan may provide for payment of the commuted value of a deferred pension to a former member if both of the following circumstances exist:

- 1. The former member is a non-resident of Canada for the purposes of the *Income Tax Act* (Canada).
- 2. If the former member has a spouse, the spouse has waived any rights the spouse may have in the pension fund under this Act or under the pension plan by delivering a written waiver, in the form approved by the Superintendent, to the administrator.

6 (1) Subsection 65 (2) of the Act is amended by adding the following paragraph:

- 2.1 Section 43.1 (purchase of pension, single employer pension plan).

(2) Subsection 65 (3) of the Act is amended by adding the following paragraph:

- 2.1 Section 43.1 (purchase of pension, single employer pension plan).

7 (1) Subsection 66 (2) of the Act is amended by striking out “43” and substituting “43, 43.1”.

(2) Subsection 66 (3) of the Act is amended by striking out “43” and substituting “43, 43.1”.

(3) Subsection 66 (4) of the Act is amended by adding the following paragraph:

- 2.1 Section 43.1 (purchase of pension, single employer pension plan).

8 (1) Paragraph 0.1 of subsection 67 (1) of the Act is amended by adding “Subject to subsection (3),” at the beginning.

(2) Subsection 67 (1) of the Act is amended by adding the following paragraph:

- 2.1 Section 43.1 (purchase of pension, single employer pension plan).

(3) Subsection 67 (3) of the Act is amended by striking out “or to a commutation of a benefit under section 50 (commuted value)” at the end and substituting “or to a commutation of a benefit under section 50 (commuted value) or section 50.0.1 (unlocking for non-resident)”.

(4) Subsection 67 (3) of the Act, as amended by subsection (3), is amended by striking out “or to a commutation of a benefit under section 50 (commuted value) or section 50.0.1 (unlocking for non-resident)” at the end and substituting “or to a commutation of a benefit under subsection 39.1 (5) (withdrawal from variable benefit account), section 50 (commuted value) or section 50.0.1 (unlocking for non-resident)”.

9 Clause 79.1 (2) (a) of the Act is amended by striking out “section 21, 42, 80, 80.2 or 81” at the end and substituting “section 21, 42, 80, 80.2, 80.4 or 81”.

10 Subsection 80.4 (3) of the Act is repealed and the following substituted:

Requirements re defined contribution benefits

(3) If the single employer pension plan provides defined contribution benefits as well as defined benefits, the transfer of assets in respect of the defined contribution benefits must comply with the requirements, if any, that are prescribed by the regulations.

11 (1) Section 100 of the Act is amended by adding the following subsection:

Application, effective date, publication, etc.

(5.5) Subsections (6) to (8) apply to each agreement and amendment to an agreement entered into before January 1, 2019.

(2) Subsections 100 (5.5) to (8) of the Act are repealed.

(3) Section 100 of the Act is amended by adding the following subsections:

Application, rules re publication, etc.

(9) Subsections (10) and (11) apply to each agreement and amendment to an agreement entered into on or after January 1, 2019.

Publication of agreement, amendments

(10) The Minister shall publish in *The Ontario Gazette*,

- (a) each agreement, including a notice of the date on which the agreement will come into effect in Ontario;
- (b) each amendment to an agreement, including a notice of the date on which the amendment will come into effect in Ontario; and
- (c) a notice of the date on which the Government of Ontario’s withdrawal from an agreement will become effective or of the date on which the termination of an agreement will become effective, whichever comes first.

Availability of agreement, amendments

(11) In addition, the Minister shall ensure that each agreement and amendment to an agreement are available to the public on the Commission’s website or another Government of Ontario website.

(4) Subsection 100 (11) of the Act, as enacted by subsection (3), is amended by striking out “Commission’s” and substituting “Authority’s”.

12 The Act is amended by adding the following section:

Special rules, The Essar Steel Algoma Inc. Wrap Pension Plan

102.3 (1) This section applies with respect to The Essar Steel Algoma Inc. Wrap Pension Plan, registered under this Act as number 1079888.

Prescribed exemptions, s. 55

(2) If the conditions set out in subsection (3) are met, the Lieutenant Governor in Council may make regulations exempting the pension plan to which this section applies from subsection 55 (1).

Conditions

(3) The conditions referred to in subsection (2) are the following:

1. Essar Steel Algoma Inc., Algoma Steel Inc. and the parties specified by regulation must have entered into an agreement related to the application of subsection 55 (1) to the pension plan.
2. The Superintendent must have approved the agreement in accordance with subsection (4).

Superintendent’s approval of agreement

(4) The Superintendent may approve an agreement under this section if,

- (a) after consulting with 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.

(5) A decision by the Superintendent under subsection (4) to approve or not approve an agreement is final and is not subject to a hearing or an appeal.

Prescribed exemptions, s. 57

(6) The Lieutenant Governor in Council may make regulations exempting Essar Steel Algoma Inc. or Algoma Steel Inc. from subsection 57 (3) or (4), if,

- (a) Essar Steel Algoma Inc., Algoma Steel Inc. 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 Algoma Steel Inc.; and
- (b) the Superintendent has approved the agreement in accordance with subsection (4).

Restrictions

(7) A regulation under this section may be subject to prescribed limitations, conditions or restrictions.

Regulations, deemed employer

(8) The Lieutenant Governor in Council may make regulations deeming Algoma Steel Inc. to be the employer for the purposes of this Act and the regulations in relation to the former members, retired members and other persons entitled to benefits under the pension plan to which this section applies.

13 Clause 115 (1) (z.1) of the Act is repealed.**Commencement**

14 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Subsection 1 (2) comes into force on the day section 1 of Schedule 34 to the *Building Ontario Up Act (Budget Measures), 2015* comes into force.

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

- 1. Section 3.**
- 2. Subsections 4 (1), (2), (3), (5), (6), (7), (8) and (10).**
- 3. Subsections 8 (1) and (4).**
- 4. Subsections 11 (2) and (4).**
- 5. Section 13.**

**SCHEDULE 34
PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH ACT, 2007**

1 The French version of section 1 of the *Provincial Advocate for Children and Youth Act, 2007* is amended by striking out “fonctionnaire” in the portion before clause (a) and substituting “haut fonctionnaire”.

2 Subsection 6 (1.1) of the Act is amended by adding “or until the day section 5 of Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force” at the end.

3 Section 15 of the Act is amended by adding the following subsections:

Restriction on advocacy and investigations

(5) Despite subsections (1) and (2), beginning on the day section 7 of Schedule 28 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, the Advocate shall not,

- (a) provide advocacy to or promote the rights of a child or youth, including conducting systemic reviews, unless the purpose of the advocacy or the promotion of the child or youth’s rights is to resolve a particular matter that was brought to the attention of the Advocate before that day; or
- (b) commence a new investigation under subsection (2).

Resolution of ongoing matters

(6) The Advocate shall take all necessary steps to resolve, as expeditiously as possible, any matter in respect of which the Advocate is providing advocacy to or promoting the rights of a child or youth, including systemic reviews, or that the Advocate is investigating.

Transfer of records, matters

(7) The Advocate shall ensure that, before the day section 5 of Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force,

- (a) all records in the possession of the Advocate that were collected by the Advocate in the exercise of his or her functions under subsections (1) and (2), including records containing personal information, are transferred to the Ombudsman;
- (b) any ongoing matter is referred to the Ombudsman if,
 - (i) it is not likely to be resolved as of that day, and
 - (ii) the Ombudsman is able to perform a function under subsection 14 (1.1) or (1.3) of the *Ombudsman Act* that relates to its subject-matter;
- (c) any children or young persons who are affected by a matter that has been referred to the Ombudsman under clause (b) are informed of the referral; and
- (d) with respect to any ongoing matter that is not referred to the Ombudsman under clause (b), the affected children and youth are advised of,
 - (i) the fact that, as of that day, the Advocate will no longer be able to perform the function the Advocate has been performing in respect of the matter,
 - (ii) any steps that have been taken by the Advocate with respect to the matter, and
 - (iii) where further support can be obtained, if applicable, and what further steps, if any, can be taken with respect to the matter.

4 Section 23 of the Act is amended by adding the following subsections:

Same

(2) The Lieutenant Governor in Council may make regulations providing for transitional matters arising from the enactment of Schedule 34 to the *Restoring Trust, Transparency and Accountability Act, 2018*.

Conflicts

(3) If there is a conflict between a regulation made under subsection (2) and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under subsection (2) prevails.

5 The *Provincial Advocate for Children and Youth Act, 2007* is repealed.

Amendments to the *Child, Youth and Family Services Act, 2017*

6 (1) Paragraph 6 of section 3 of the *Child, Youth and Family Services Act, 2017* is repealed.

(2) Subclause 10 (1) (b) (ii) of the Act is amended by striking out “including the Provincial Advocate for Children and Youth and members of the Provincial Advocate for Children and Youth’s staff” at the end.

- (3) Clause 11 (3) (a) of the Act is repealed.**
- (4) Subsection 15 (5) of the Act is repealed.**
- (5) Subsection 18 (2) of the Act is repealed.**
- (6) Clause 171 (6) (b) of the Act is repealed and the following substituted:**
 - (b) the Children’s Lawyer and the prescribed person, if any, are given notice of the admission.
- (7) Subsection 171 (7) of the Act is amended by striking out “Provincial Advocate for Children and Youth” and substituting “Children’s Lawyer or, if a person is prescribed for the purposes of clause (6) (b), that person”.**
- (8) Section 340 of the Act is amended by adding the following paragraph:**
 - 1.1 prescribing a person or entity to perform prescribed functions relating to the promotion of the rights of children and young persons in this Act;

Commencement

- 7 (1) Subject to subsection (2), this Schedule comes into force on the earlier of May 1, 2019 and a day to be named by proclamation of the Lieutenant Governor.**
- (2) Section 1 comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.**

**SCHEDULE 35
PUBLIC SERVICE OF ONTARIO ACT, 2006**

1 Subsection 2 (1) of the *Public Service of Ontario Act, 2006* is amended by adding the following definition:

“Conflict of Interest Commissioner” means the Conflict of Interest Commissioner described in section 14 as it read immediately before the day section 2 of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force; (“commissaire aux conflits d’intérêts”)

2 The heading before section 14 and sections 14 to 20 of the Act are repealed and the following substituted:

INTEGRITY COMMISSIONER

Integrity Commissioner

14 (1) The Integrity Commissioner may exercise the powers and shall perform the duties and functions assigned to him or her under this Act.

Designate

(2) The Integrity Commissioner may designate in writing an employee of the office of the Commissioner to fulfil the duties of the Commissioner under this Act, subject to any conditions or restrictions set out in the designation.

Employees

15 (1) The Integrity Commissioner may hire, pursuant to section 23.11 of the *Members’ Integrity Act, 1994*, such employees as he or she considers necessary for the proper exercise of the powers and performance of the duties and functions of the Commissioner under this Act.

Consultants

(2) The Integrity Commissioner may retain such technical and professional consultants as he or she considers necessary for the proper exercise of the powers and performance of the duties and functions of the Commissioner under this Act, at the remuneration and on the terms that the Commissioner approves.

Employees continued

16 (1) The employees who work in the office of the Conflict of Interest Commissioner immediately before the day section 2 of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force become employees of the Office of the Assembly on that day.

Same

(2) The employment of the employees described in subsection (1) is not terminated or severed, including for the purposes of the *Employment Standards Act, 2000*, and the employment of the employees immediately before and after the day section 2 of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force is continuous for the purposes of calculating an employee’s length or period of employment.

Transfers

17 (1) The Crown in right of Ontario may transfer to the Integrity Commissioner any of its rights, obligations, assets and liabilities relating to the office of the Conflict of Interest Commissioner or any interest in or entitlement to such a right, obligation, asset and liability, with or without consideration, on terms and conditions agreed upon between the Crown and the Integrity Commissioner.

Agreement assignable

(2) Where an agreement is the subject of a transfer under subsection (1), it shall be deemed to be assignable by the minister responsible for the administration of this Act without the consent of any party to the agreement.

Other agreements

(3) The Crown may enter into such other agreements, execute such documents and instruments, and do such other acts and things as the minister responsible for the administration of this Act considers necessary or advisable to effect a transfer authorized in subsection (1).

Annual report

18 The Integrity Commissioner shall include in his or her annual report prepared under section 24 of the *Members’ Integrity Act, 1994* a report on the exercise of the powers and performance of the duties and functions of the Commissioner under this Act, and may include such additional content as the Management Board of Cabinet or the minister responsible for the administration of this Act requests.

Immunity

19 Sections 25 and 26 of the *Members’ Integrity Act, 1994* apply to the Integrity Commissioner and the employees of the office of the Commissioner in respect of their duties under this Act.

Protection from liability

20 (1) No cause of action arises as a direct or indirect result of any amendment made by Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* to this Act or anything done or not done in accordance with those amendments, including, without limiting the generality of the foregoing, any differences between the terms and conditions of employment of the employees described in subsection 16 (1) in the office of the Conflict of Interest Commissioner and in the Office of the Assembly.

No remedy

(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in subsection (1).

No proceeding

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person.

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the day that subsection comes into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (3) commenced before the day that subsection comes into force is deemed to have been dismissed, without costs, on that day.

Persons defined

(6) In this section,

“person” includes, but is not limited to, the Crown and its employees and agents, the Assembly and its members, employees, agents and officers.

3 (1) The Act is amended by adding the following section immediately before the heading “Public Service Grievance Board”:

Transfers

20.1 (1) The Crown in right of Ontario may transfer to the Integrity Commissioner any of its rights, obligations, assets and liabilities relating to the office of the Conflict of Interest Commissioner or any interest in or entitlement to such a right, obligation, asset and liability, with or without consideration, on terms and conditions agreed upon between the Crown and the Integrity Commissioner.

Agreement assignable

(2) Where an agreement is the subject of a transfer under subsection (1), it shall be deemed to be assignable by the minister responsible for the administration of this Act without the consent of any party to the agreement.

Other agreements

(3) The Crown may enter into such other agreements, execute such documents and instruments, and do such other acts and things as the minister responsible for the administration of this Act considers necessary or advisable to effect a transfer authorized in subsection (1).

(2) Section 20.1 of the Act, as enacted by subsection (1), is repealed.

4 Clause 31 (1) (g) of the Act is amended by striking out “Conflict of Interest Commissioner, in addition to those provided under this Act” at the end and substituting “Integrity Commissioner under this Act, in addition to those already provided”.

5 (1) Paragraph 4 of section 58 of the Act is repealed and the following substituted:

4. On and after August 21, 2008 and before the day section 2 of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, if no conflict of interest rules are approved and published by the Conflict of Interest Commissioner for a public body, the conflict of interest rules prescribed under clause 71 (1) (a) of this Act apply to the public servant or former public servant, with necessary modifications.
5. On and after the day section 2 of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force, if no conflict of interest rules are approved and published by the Integrity Commissioner for a public body, the conflict of interest rules prescribed under clause 71 (1) (a) of this Act apply to the public servant or former public servant, with necessary modifications.

(2) Section 58 of the Act is amended by adding the following subsection:

Transition

(2) Subject to subsection 59 (3), rules approved and published by the Conflict of Interest Commissioner before the day section 2 of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force are deemed to be approved by the Integrity Commissioner under section 59 of this Act until they are amended or revoked.

6 Subsection 60 (1) of the Act is amended by striking out “Conflict of Interest Commissioner’s” and substituting “Integrity Commissioner’s”.

7. Paragraph 5 of subsection 62 (1) of the Act is repealed.

8. Subsection 65 (6) of the Act is amended by striking out “Conflict of Interest Commissioner or”.

9 Subsection 84 (5) of the Act is amended by striking out “Conflict of Interest Commissioner or”.

10 Paragraph 1 of subsection 85 (2) of the Act is repealed.

11 Subsection 89 (2) of the Act is amended by striking out “the Conflict of Interest Commissioner”.

12 Subsection 93 (5) of the Act is amended by striking out “Conflict of Interest Commissioner or”.

13 Subsection 101 (4) of the Act is amended by striking out “Conflict of Interest Commissioner or”.

14 The Act is amended by striking out “Conflict of Interest Commissioner” wherever it appears and substituting in each case “Integrity Commissioner”, except in the following provisions:

1. The definition of “Conflict of Interest Commissioner” in subsection 2 (1).
2. Subsection 16 (1).
3. Subsection 17 (1).
4. Subsection 20 (1).
5. Subsection 20.1 (1).
6. Paragraphs 2, 3 and 4 of subsection 58 (1).
7. Subsection 58 (2).

15 (1) Subsection 154 (1) of the Act is amended by adding the following clause:

(b.1) providing for any transitional matter arising from the enactment of Schedule 35 to the *Restoring Trust, Transparency and Accountability Act, 2018*;

(2) Section 154 of the Act is amended by adding the following subsection:

Conflict

(3) If there is a conflict between a regulation made under clause (1) (b.1) and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under clause (1) (b.1) prevails.

Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009

16 Subsection 6 (3) of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* is amended by striking out “Conflict of Interest Commissioner” and substituting “Integrity Commissioner”.

Commencement

17 (1) Subject to subsection (2), this Schedule comes into force on the earlier of May 1, 2019 and a day to be named by proclamation of the Lieutenant Governor.

(2) Subsection 3 (1) comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 36
RESIDENTIAL TENANCIES ACT, 2006**

1 The *Residential Tenancies Act, 2006* is amended by adding the following section:

Exemptions from rules relating to rent

6.1 (1) In this section,

“addition” means, with respect to a mobile home park or land lease community, an expansion beyond the boundaries of the mobile home park or land lease community; (“rajout”)

“commencement date” means the day section 1 of Schedule 36 to the *Restoring Trust, Transparency and Accountability Act, 2018* comes into force. (“date d’entrée en vigueur”)

Buildings, etc., not occupied on or before November 15, 2018

(2) Sections 120, 121, 122, 126, 127, 129, 131, 132, 133, 165 and 167 do not apply on and after the commencement date with respect to a rental unit if the requirements set out in one of the following paragraphs are met:

1. The rental unit is located in a building, mobile home park or land lease community and no part of the building, mobile home park or land lease community was occupied for residential purposes on or before November 15, 2018.
2. The rental unit is entirely located in an addition to a building, mobile home park or land lease community and no part of the addition was occupied for residential purposes on or before November 15, 2018.

Rental units in detached houses, semi-detached houses or row houses

(3) Sections 120, 121, 122, 126, 127, 129, 131, 132 and 133 do not apply on and after the commencement date with respect to a rental unit if all of the following requirements are met:

1. The rental unit is located in a detached house, semi-detached house or row house which, on or at any time before November 15, 2018, contained not more than two residential units.
2. The rental unit is a residential unit that meets all of the following requirements:
 - i. The unit has its own bathroom and kitchen facilities.
 - ii. The unit has one or more exterior or interior entrances.
 - iii. At each entrance, the unit has a door which is equipped so that it can be secured from the inside of the unit.
 - iv. At least one door described in subparagraph iii is capable of being locked from the outside of the unit.
3. The rental unit became a residential unit described in paragraph 2 after November 15, 2018.
4. One or both of the following circumstances apply:
 - i. At the time the rental unit was first occupied as a residential unit described in paragraph 2, the owner or one of the owners, as applicable, lived in another residential unit in the detached house, semi-detached house or row house.
 - ii. The rental unit is located in a part of the detached house, semi-detached house or row house which was unfinished space immediately before the rental unit became a residential unit described in paragraph 2.

Non-application of exemption under subs. (2) or (3)

(4) Subject to subsection (5), the exemption under subsection (2) or (3) does not apply with respect to a rental unit that is subject to a tenancy in respect of which a tenancy agreement was entered into on or before November 15, 2018.

Application of subs. (4)

(5) Subsection (4) applies only with respect to the tenancy described in that subsection and does not apply with respect to any subsequent tenancy.

Burden of proof

(6) For greater certainty, in an application to the Board in which the application of subsection (2) or (3) is at issue, the onus is on the landlord to prove that the subsection applies.

Transition rules

(7) The following rules apply on and after the commencement date with respect to a rental unit, if subsection (2) or (3) applies to the rental unit and the unit is subject to a tenancy in respect of which a tenancy agreement was entered into before that date but after November 15, 2018:

1. Despite subsections (2) and (3), sections 121 and 122 continue to apply with respect to an agreement that was entered into between the landlord and the tenant of the rental unit under section 121 before the commencement date.

2. Despite subsections (2) and (3), section 132 continues to apply with respect to an application that was made by the landlord or the tenant of the rental unit under that section before the commencement date and was not finally determined before that date.
3. Despite subsections (2) and (3), section 133 continues to apply with respect to an application that was made by the tenant of the rental unit under that section before the commencement date and was not finally determined before that date.
4. Despite subsection (2), section 165 continues to apply with respect to an assignment of the rental unit for which the landlord granted consent under section 95 before the commencement date or which was authorized by the Board under section 98 before that date.

Commencement

2 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

SCHEDULE 37
RETAIL SALES TAX ACT

1 Section 14.1 of the *Retail Sales Tax Act* is repealed.

2 Subsection 23 (4) of the Act is amended by striking out “section 28” and substituting “section 30”.

3 Clause 48 (3) (v) of the Act is repealed.

O. Reg. 318/10

4 Ontario Regulation 318/10 (Small Business Transition Support) is revoked.

Commencement

5 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 38
SECURITIES ACT**

1 (1) Subsection 1 (1) of the *Securities Act* is amended by adding the following definitions:

“benchmark” means a price, estimate, rate, index or value that is,

- (a) determined, from time to time, by reference to an assessment of one or more underlying interests,
- (b) made available to the public, either free of charge or on payment, and
- (c) used for reference for any purpose, including,
 - (i) determining the interest payable, or other sums that are due, under a contract, derivative, instrument or security,
 - (ii) determining the value of a contract, derivative, instrument or security or the price at which it may be traded,
 - (iii) measuring the performance of a contract, derivative, investment fund, instrument or security, or
 - (iv) any other use by an investment fund; (“indice de référence”)

“benchmark administrator” means a person or company that administers a benchmark; (“administrateur d’indice de référence”)

“benchmark contributor” means a person or company that engages or participates in the provision of information for use by a benchmark administrator for the purpose of determining a benchmark, including a person or company subject to a decision under section 24.2; (“contributeur à un indice de référence”)

“benchmark user” means a person or company that, in relation to a contract, derivative, investment fund, instrument or security, uses a benchmark; (“utilisateur d’indice de référence”)

“designated benchmark” means a benchmark that is designated by the Commission under section 24.1; (“indice de référence désigné”)

“designated benchmark administrator” means a benchmark administrator that is designated by the Commission under section 24.1 in respect of a designated benchmark; (“administrateur d’indice de référence désigné”)

(2) The definition of “market participant” in subsection 1 (1) of the Act is amended by adding the following clauses:

- (i.2) a designated benchmark administrator,
- (i.3) a person or company that engages or participates in the provision of information for use by a benchmark administrator for the purpose of determining a designated benchmark,

2 The Act is amended by adding the following Part:

**PART X
BENCHMARKS**

Designation of benchmarks and benchmark administrators

24.1 (1) A benchmark administrator, or the Director, may apply to the Commission to request the designation of a benchmark or a benchmark administrator.

Director’s application

(2) If the Director applies for a designation, the Commission shall give the affected benchmark administrator the opportunity to be heard before making a decision under subsection (3).

Commission’s powers

(3) After receiving the application, the Commission may, if it considers it in the public interest to do so, designate the benchmark as a designated benchmark or designate the benchmark administrator as a designated benchmark administrator of a designated benchmark, as appropriate.

Terms and conditions

(4) A designation under subsection (3) may be made subject to any terms and conditions the Commission considers advisable.

Cancellation or change

(5) The Commission may, if it considers it in the public interest to do so, cancel the designation of a designated benchmark or a designated benchmark administrator or impose or change the terms and conditions of the designation.

Opportunity to be heard

(6) The Commission shall not refuse to designate a benchmark or benchmark administrator, cancel the designation of a designated benchmark or designated benchmark administrator or impose or change the terms and conditions to which a designation is subject without giving the benchmark administrator an opportunity to be heard.

Category

(7) The Commission may, if it considers it in the public interest to do so, assign a designated benchmark to a prescribed category or categories of designated benchmarks.

Requiring information

24.2 (1) The Commission may, in response to an application by the Director, require a person or company to provide information to a designated benchmark administrator in relation to the designated benchmark if the Commission considers it in the public interest to do so.

Opportunity to be heard

(2) The Commission shall give the affected person or company and benchmark administrator the opportunity to be heard before making the order.

Terms and conditions

(3) An order under subsection (1) may be made subject to any terms and conditions the Commission considers advisable.

Cancellation or change

(4) The Commission may, if it considers it in the public interest to do so, cancel or change an order made under subsection (1) or impose or change the terms and conditions of the order.

Opportunity to be heard

(5) The Commission shall not cancel or change an order made under subsection (1) or impose or change the terms and conditions of the order without giving the person or company and the benchmark administrator an opportunity to be heard.

Duty to comply**Benchmark administrator**

24.3 (1) A benchmark administrator shall comply with such requirements as may be prescribed by the regulations, including requirements,

- (a) relating to benchmarks, benchmark administrators, benchmark contributors and benchmark users; and
- (b) relating to the establishment, publication and enforcement of a code of conduct by a benchmark administrator.

Benchmark contributor

(2) A benchmark contributor shall comply with such requirements as may be prescribed by the regulations, including requirements relating to benchmarks, benchmark administrators, benchmark contributors and benchmark users.

General

(3) Benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a prescribed class, shall comply with,

- (a) any code of conduct established by a benchmark administrator in accordance with the regulations;
- (b) requirements established by the regulations relating to the prohibitions against and procedures regarding conflicts of interest involving a benchmark and benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a prescribed class; and
- (c) requirements established by the regulations relating to the prohibition or restriction of any matter or conduct involving a benchmark.

Benchmark user

(4) A benchmark user shall comply with such requirements as may be prescribed by the regulations, including requirements,

- (a) relating to benchmarks, benchmark administrators, benchmark contributors and benchmark users;
- (b) prohibiting the use of a non-designated benchmark; and
- (c) relating to disclosure and other requirements relating to the use of a benchmark.

3 The Act is amended by adding the following sections:

Benchmark — false or misleading information

126.3 (1) A person or company shall not, directly or indirectly, engage or participate in the provision of information to another person or company for the purpose of determining a benchmark if the person or company knows or reasonably ought to know that the information, at the time and in the circumstances in which it is provided, is false or misleading.

Attempt

(2) A person or company shall not, directly or indirectly, attempt to engage or participate in the conduct described in subsection (1).

Benchmark manipulation

126.4 (1) A person or company shall not, directly or indirectly, engage or participate in conduct relating to a benchmark that improperly influences the determination of the benchmark or produces or contributes to the production of a false or misleading determination of the benchmark.

Attempt

(2) A person or company shall not, directly or indirectly, attempt to engage or participate in the conduct described in subsection (1).

4 Subsection 143 (1) of the Act is amended by adding the following paragraphs:

64. Prescribing a category or categories of designated benchmarks for the purposes of subsection 24.1 (7).
65. Prescribing classes of service providers or security holders for the purposes of subsection 24.3 (3).
66. Prescribing requirements relating to,
 - i. the designation of a benchmark or benchmark administrator under section 24.1,
 - ii. the making of orders under section 24.2,
 - iii. the disclosure or furnishing of information to the Commission, the public or any person or company by a benchmark administrator, a benchmark contributor or a benchmark user, including requirements for disclosure statements by a benchmark administrator in relation to a benchmark,
 - iv. the quality, integrity and sufficiency of the data and the methodology used by a benchmark administrator to determine a benchmark, including requirements for a benchmark administrator to monitor benchmark contributors and data provided by benchmark contributors,
 - v. the establishment, publication and enforcement by a benchmark administrator of codes of conduct applicable to benchmark administrators or benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a class prescribed under paragraph 65, and the minimum requirements to be included in such a code of conduct,
 - vi. contractual arrangements related to a benchmark to be entered into by a benchmark administrator or a benchmark contributor and the minimum requirements to be included in the contractual arrangements,
 - vii. the use by a benchmark administrator and a benchmark contributor of service providers,
 - viii. prohibitions against and procedures regarding conflicts of interest involving a benchmark and benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a class prescribed under paragraph 65, including,
 - A. procedures to be followed to avoid conflicts of interest,
 - B. procedures to be followed if conflicts of interest arise,
 - C. requirements for separation of roles, functions and activities, and
 - D. restrictions on ownership of a benchmark or benchmark administrator,
 - ix. prohibitions against the use of a benchmark that is not a designated benchmark by a benchmark user,
 - x. disclosure and other requirements respecting the use of a benchmark by a benchmark administrator, benchmark contributor or benchmark user,
 - xi. requiring information in relation to a benchmark to be provided for use by the benchmark administrator,
 - xii. the maintenance of books and records necessary for the conduct of a benchmark administrator's business and the establishment and maintenance of a benchmark,
 - xiii. the maintenance of books and records by a benchmark contributor relating to a benchmark,

- xiv. the appointment by benchmark administrators and benchmark contributors of one or more compliance officers and any minimum standards that must be met or qualifications a compliance officer must have,
 - xv. the prohibition or restriction of any matter or conduct involving a benchmark by benchmark administrators, benchmark contributors and their respective directors, officers and employees, and any of their service providers or security holders that are in a class prescribed under paragraph 65,
 - xvi. the design, determination and dissemination of a benchmark,
 - xvii. plans of a benchmark user where a benchmark changes or ceases to be provided and how these plans will be reflected in the contractual arrangements of the benchmark user,
 - xviii. the governance, compliance, accountability, oversight, audit, internal controls, policies and procedures of a benchmark administrator or benchmark contributor in respect of a benchmark,
 - xix. the governance, compliance, accountability, oversight, audit, internal controls, policies and procedures of a benchmark administrator, benchmark contributor or benchmark user in respect of the use of a benchmark.
67. Regulating submissions of information for the purposes of determining a benchmark.
68. Requiring benchmark administrators or benchmark contributors to,
- i. establish plans in the event that a benchmark changes or ceases to be provided or is subject to data failures or business continuity issues, and
 - ii. reflect the plans referred to in subparagraph i in the contractual arrangements of the benchmark administrator or benchmark contributor relating to the benchmark.
69. Governing or restricting the payment of fees or other compensation to a benchmark administrator or benchmark contributor.

Commencement

5 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 39
SPECIAL HOCKEY DAY ACT, 2018**

Special Hockey Day

1 March 27, 2019 is proclaimed as Special Hockey Day.

Repeal

2 On the day this section comes into force, this Act is repealed.

Commencement

3 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4 The short title of the Act set out in this Schedule is the *Special Hockey Day Act, 2018*.

SCHEDULE 40
SUCCESSION DUTY LEGISLATION REPEAL ACT, 2009

Succession Duty Legislation Repeal Act, 2009

1 The *Succession Duty Legislation Repeal Act, 2009* is repealed.

The Succession Duty Repeal Act, 1979

2 Section 1 of *The Succession Duty Repeal Act, 1979* is repealed.

Commencement

3 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

SCHEDULE 41
SUPPLEMENTARY INTERIM APPROPRIATION FOR 2018-2019 ACT, 2018

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

2 All amounts authorized under section 3 to be paid out of the Consolidated Revenue Fund are in addition to the amounts authorized to be paid out of the Consolidated Revenue Fund under section 4 of the *Interim Appropriation for 2018-2019 Act, 2017*.

Expenses of the Legislative Offices

3 Pending the voting of supply for the fiscal year ending on March 31, 2019, amounts not exceeding a total of \$42,404,000 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

4 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

5 The Act set out in this Schedule is deemed to have come into force on April 1, 2018.

Short title

6 The short title of the Act set out in this Schedule is the *Supplementary Interim Appropriation for 2018-2019 Act, 2018*.

**SCHEDULE 42
TAXATION ACT, 2007**

1 (1) The definition of “I” in subsection 9 (10) of the *Taxation Act, 2007* is repealed and the following substituted:

“I” is the lesser of \$1,228 and the sum of,

- (a) the amount of the individual’s eligible pension income for the year for the purposes of subsection 118 (3) of the Federal Act,
- (b) for a taxation year ending after December 31, 2014 and before April 1, 2019, the amount described in subparagraph (b) (ii) of the description of “B” in subsection 118 (3) of the Federal Act, and
- (c) for a taxation year ending after March 31, 2019, the amounts described in subparagraphs (b) (ii) and (iii) of the description of “B” in subsection 118 (3) of the Federal Act.

(2) The definition of “P” in subsection 9 (13) of the Act is repealed and the following substituted:

“P” is the amount, if any, by which the dependant’s tax payable for the year under Division B, if that amount were determined without reference to section 19.2 and no amount were deducted under that Division, exceeds the sum of the tax credits to which the dependant is entitled for the year under subsections (2), (3), (4), (5), (6), (6.1), (7), (7.1), (8), (9) and (10).

(3) The definition of “AA” in subsection 9 (17) of the Act is repealed and the following substituted:

“AA” is the amount, if any, by which the tax payable of the spouse or common-law partner for the year under Division B, if that amount were determined without reference to section 19.2 and no amount were deducted under that Division, exceeds the sum of the tax credits the spouse or common-law partner is entitled to deduct for the year under subsections (2), (9) and (14), and

(4) Clause (b) of the definition of “BB” in subsection 9 (17) of the Act is repealed and the following substituted:

- (b) the amount, if any, by which the tax payable of the spouse or common-law partner for the year under Division B, if that amount were determined without reference to section 19.2 and no amount were deducted under that Division, exceeds the sum of the tax credits the spouse or common-law partner is entitled to deduct for the year under subsections (2), (3), (4), (5), (6), (6.1), (7), (7.1), (8), (9), (10), (11), (12), (13) and (14).

2 (1) Subsection 12.1 (3) of the Act is amended by adding “ending before January 1, 2018” after “taxation year” in the portion before the definition of “A”.

(2) Section 12.1 of the Act is amended by adding the following subsection:

Minimum tax amount, 2018 and subsequent taxation years

(4) Despite any other provision of this Part, if an individual is a specified individual in relation to a taxation year ending after December 31, 2017, the tax payable under this Division for the year by the individual shall not be less than the amount, if any, by which “A” exceeds “B” where,

“A” is the amount required to be added under subsection (2), and

“B” is the sum of “C” and “D” where,

“C” is the total of all amounts, each of which is an amount that,

- (a) may be deducted under section 19.1 or 21 in computing the individual’s tax payable under this Division for the year, and
- (b) can reasonably be considered to be in respect of an amount included in computing the individual’s split income for the year, and

“D” is the total of all amounts, each of which is an amount deducted under subsection 9 (12) or (13) in computing the individual’s tax payable under this Division for the year.

3 Clause 19.1 (a.1) of the Act is repealed and the following substituted:

- (a.1) 23.8257 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 before January 1, 2019;
- (a.2) 25.195 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, 2018; and

4 The definition of “tax otherwise payable” in subsection 20 (10) of the Act is amended by striking out “sections 21 and 22” and substituting “sections 21, 21.1 and 22”.

5 Paragraph 2 of subsection 21 (4) of the Act is amended by striking out “sections 13, 14, 19.1, 19.2, 20.1 and 22” at the end and substituting “sections 13, 14, 19.1, 19.2, 20.1, 21.1 and 22”.

6 The Act is amended by adding the following section:

Low-income individuals and families tax credit, eligibility

21.1 (1) Subject to subsection (2), an individual is an eligible individual for a taxation year for the purposes of this section if the individual was resident in Canada at the beginning of the year.

Same

(2) An individual is not an eligible individual for a taxation year if,

- (a) the individual is resident outside of Ontario on December 31 of the year;
- (b) the individual is a trust referred to in subdivision k of Division B of Part I of the Federal Act;
- (c) the individual’s tax payable under Part I of the Federal Act for the year is determined under Division E.1 of that Part;
- (d) the individual’s tax return for the year is filed on the individual’s behalf by a trustee in bankruptcy under paragraph 128 (2) (e) or (h) of the Federal Act; or
- (e) the individual was confined to a prison or similar institution for a period that includes December 31 of the previous taxation year and the first 179 days in the taxation year.

Amount

(3) An individual who is an eligible individual for a taxation year ending after December 31, 2018 may deduct in computing the individual’s tax payable under this Division for the year an amount calculated using the formula,

$$(A - B) \times C$$

in which,

“A” is the lesser of,

- (a) \$850, and
- (b) the lowest tax rate for the year multiplied by the individual’s employment income for the year,

“B” is equal to 10 per cent of the greater of,

- (a) the amount, if any, by which the individual’s personal adjusted income for the year exceeds \$30,000, and
- (b) the amount, if any, by which the individual’s adjusted income for the year exceeds \$60,000, and

“C” is equal to the individual’s Ontario allocation factor for the year.

Definitions

(4) For the purposes of this subsection and subsection (3),

“adjusted income” means, in respect of an individual for a taxation year, the individual’s adjusted income for the year as determined for the purposes of subdivision A.1 of Division E of Part I of the Federal Act; (“revenu modifié”)

“employment income” means, in respect of an individual for a taxation year, the total of all amounts, each of which is an amount included in computing the individual’s income for the year from an office or employment or an amount included in the individual’s income for the year because of subparagraph 56 (1) (r) (v) of the Federal Act; (“revenu d’emploi”)

“personal adjusted income” means, in respect of an individual for a taxation year, the individual’s adjusted income for the year, determined as if the individual did not have a cohabiting spouse or common-law partner at the end of the year. (“revenu personnel modifié”)

7 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,

- (a) the corporation has made a deduction under section 125 of the Federal Act for the year; or
- (b) the corporation would have been entitled to a deduction under section 125 of the Federal Act if its business limit for the year under paragraph 125 (1) (c) of that Act had been determined without reference to subsection 125 (5.1) of that Act.

Commencement

8 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Section 7 is deemed to have come into force on June 21, 2018.

(3) Subsections 1 (2), (3) and (4) are deemed to have come into force on January 1, 2018.

**SCHEDULE 43
TRILLIUM TRUST ACT, 2014**

1 The *Trillium Trust Act, 2014* is amended by adding the following section:

No application after March 31, 2019

0.1 This Act ceases to apply after the fiscal year ending March 31, 2019.

Repeal

2 The Act is repealed.

Revocations

3 The following regulations are revoked:

- 1. Ontario Regulation 53/15.**
- 2. Ontario Regulation 295/16.**
- 3. Ontario Regulation 330/16.**
- 4. Ontario Regulation 387/17.**
- 5. Ontario Regulation 91/18.**
- 6. Ontario Regulation 323/18.**

Commencement

4 (1) Subject to subsection (2), this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Sections 2 and 3 come into force on April 1, 2019.

SCHEDULE 44
WHITE PINES WIND PROJECT TERMINATION ACT, 2018

1 (1) Subsection 6 (1) of the *White Pines Wind Project Termination Act, 2018* is amended by adding “and the regulations” at the end.

(2) Subsection 6 (2) of the Act is amended by striking out the portion before the formula and substituting the following:

Amount

(2) The amount of compensation payable to wpd White Pines Wind Incorporated under subsection (1) shall be determined in accordance with the following formula, subject to the exclusions specified in subsection (3) and any other exclusions that may be prescribed, and subject to subsection (4):

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(3) The French version of the definition of “B” in subsection 6 (2) of the Act is amended by striking out “le montant des dettes de réparation” and substituting “le supplément pour remboursement anticipé de la dette”.

(4) Paragraph 2 of subsection 6 (3) of the Act is amended by striking out “or portion of an expense”.

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

Multiple calculations, payments permitted

(3.1) The compensation may, in accordance with the regulations, if any, be calculated or paid under this section at different times with respect to different portions or elements of the formula set out in subsection (2) or with respect to different amounts within any portion or element of the formula, so long as the total amount of compensation paid conforms to the requirements of that subsection.

(6) Subsections 6 (5) and (6) of the Act are repealed and the following substituted:

Timing and methodologies for determining or valuing amounts

(5) The calculation of amounts under subsection (2) is subject to such rules as may be prescribed respecting,

- (a) dates or periods with respect to which any amount or thing referred to in the formula shall be determined or valued; or
- (b) methodologies for determining or valuing any amount or thing referred to in the formula.

Compensation contingent on accounting

(6) No compensation is payable in respect of an amount or thing described in subsection (2) unless wpd White Pines Wind Incorporated submits to the Crown,

- (a) a full accounting satisfactory to the Crown respecting the amount or thing, including such receipts or other proof of payment as the Crown may require, submitted in accordance with the regulations; and
- (b) any other financial or other documents or other information respecting the amount or thing that the Crown may specify, submitted in the time and manner specified by the Crown.

(7) Subsection 6 (7) of the Act is amended by striking out “accounting” and substituting “documents or other information”.

(8) Section 6 of the Act is amended by adding the following subsections:

Overpayment

(9.1) Any amount paid to wpd White Pines Wind Incorporated under this section that exceeds the amount of compensation to which wpd White Pines Wind Incorporated is entitled under this section 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.

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Interpretation, portion of expense, etc.

(11) A reference in this section and in regulations made for the purposes of this section to an expense, liability, asset or other amount or thing includes reference to a portion of the expense, liability, asset or other amount or thing.

2 (1) Subsection 7 (1) of the Act is amended by adding the following clauses:

(c.1) excluding any amount or thing from any element of the formula set out in subsection 6 (2);

(c.2) governing the making of calculations and payments under section 6, including,

- (i) setting out preconditions that must be met before the calculation or payment of an amount under that section,

- (ii) governing the making of multiple calculations or payments for the purposes of subsection 6 (3.1), including respecting the frequency or timing of such calculations or payments;

(2) Clause 7 (1) (e) of the Act is repealed and the following substituted:

- (e) setting out rules for the purposes of subsection 6 (5), which may include different rules for different expenses, liabilities, rights, assets or other things to be calculated under subsection 6 (2), or for different classes of such expenses, liabilities, rights, assets or other things, and which, for the purposes of clause 6 (5) (a), may require the calculation of amounts as of dates or periods occurring before the day this Act came into force;
- (e.1) governing the submission of documents and information under clause 6 (6) (a), including specifying the form, time and manner of the submissions, and clarifying the meaning of “full accounting” for the purposes of that clause;

(3) Subsection 7 (3) of the Act is repealed.

Commencement

3 This Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

**SCHEDULE 45
VARIOUS ACTS — OFFICERS OF THE ASSEMBLY**

Anti-Racism Act, 2017

1 The French version of subclause (l) (ii) of the definition of “public sector organization” in subsection 1 (1) of the *Anti-Racism Act, 2017* is amended by striking out “fonctionnaire” and substituting “haut fonctionnaire”.

Archives and Recordkeeping Act, 2006

2 The French version of clause (b) of the definition of “legislative body” in subsection 2 (1) of the *Archives and Recordkeeping Act, 2006* is amended by striking out “officier” and substituting “haut fonctionnaire”.

Broader Public Sector Accountability Act, 2010

3 The French version of clause (b) of the definition of “publicly funded organization” in subsection 1 (1) of the *Broader Public Sector Accountability Act, 2010* is amended by striking out “fonctionnaire” and substituting “haut fonctionnaire”.

Correctional Services and Reintegration Act, 2018

4 The French version of clause 40 (1) (e) of the *Correctional Services and Reintegration Act, 2018* is amended by striking out “fonctionnaire” and substituting “haut fonctionnaire”.

Delegated Administrative Authorities Act, 2012

5 Subsection 8 (4) of the *Delegated Administrative Authorities Act, 2012* is amended by striking out “on the address of” and substituting “by order of”.

Financial Administration Act

6 The French version of clause (b) of the definition of “broader public sector” in subsection 1.0.19 (2) of the *Financial Administration Act* is amended by striking out “fonctionnaire” and substituting “haut fonctionnaire”.

Government Services and Service Providers Act (ServiceOntario), 2012

7 Section 9 of the *Government Services and Service Providers Act (ServiceOntario), 2012* is amended by striking out “on the address of” and substituting “by order of”.

Lobbyists Registration Act, 1998

8 (1) Clause (c) of the definition of “public office holder” in subsection 1 (1) of the *Lobbyists Registration Act, 1998* is amended by striking out “or a person appointed by or with the approval of the Lieutenant Governor in Council on the address of the Legislative Assembly” at the end.

(2) Paragraph 1 of subsection 5 (8) of the Act is amended by striking out “on the address of” and substituting “by order of”.

(3) The French version of paragraph 1 of subsection 5 (8) of the Act is amended by striking out “fonctionnaires” and substituting “hauts fonctionnaires”.

Ministry of Government Services Act

9 Clause (a) of the definition of “public sector organization” in section 1 of the *Ministry of Government Services Act* is amended by striking out “on the address of” and substituting “by order of”.

Ministry of Infrastructure Act, 2011

10 The French version of clause (g) of the definition of “public sector organization” in section 1 of the *Ministry of Infrastructure Act, 2011* is amended by striking out “fonctionnaires” and substituting “hauts fonctionnaires”.

Ontarians with Disabilities Act, 2001

11 The French version of the definition of “Ontario Government publication” in subsection 2 (1) of the *Ontarians with Disabilities Act, 2001* is amended by striking out “un fonctionnaire de l’Assemblée ou un fonctionnaire de la Législature” in the portion before clause (a) and substituting “un haut fonctionnaire de l’Assemblée ou un haut fonctionnaire de la Législature”.

Public Sector Compensation Restraint to Protect Public Services Act, 2010

12 Paragraph 2 of subsection 3 (1) of the *Public Sector Compensation Restraint to Protect Public Services Act, 2010* is amended by striking out “on an address of” and substituting “by order of”.

Public Sector Salary Disclosure Act, 1996

13 Clause (j) of the definition of “public sector” in subsection 2 (1) of the *Public Sector Salary Disclosure Act, 1996* is amended by striking out “on an address of” and substituting “by order of”.

Public Service of Ontario Act, 2006

14 The French version of subsection 2 (3) of the *Public Service of Ontario Act, 2006* is amended by striking out “fonctionnaires” and substituting “hauts fonctionnaires”.

Social Contract Act, 1993

15 Clause 1 (i) of the Schedule to the *Social Contract Act, 1993* is amended by striking out “on an address of” and substituting “by order of”.

Commencement

16 (1) Subject to subsections (2) to (4), this Schedule comes into force on the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(2) Section 4 comes into force on the later of the day clause 40 (1) (e) of Schedule 2 to the *Correctional Services Transformation Act, 2018* comes into force and the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(3) Section 5 comes into force on the later of the day subsection 8 (4) of Schedule 11 to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force and the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.

(4) Section 7 comes into force on the later of the day section 9 of Schedule 21 to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force and the day the *Restoring Trust, Transparency and Accountability Act, 2018* receives Royal Assent.