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Bill 132

(Chapter 14 of the Statutes of Ontario, 2019)

An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations

The Hon. P. Sarkaria

Associate Minister of Small Business and Red Tape Reduction

1st Reading	October 28, 2019
2nd Reading	November 7, 2019
3rd Reading	December 10, 2019
Royal Assent	December 10, 2019



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 132 and does not form part of the law. Bill 132 has been enacted as Chapter 14 of the Statutes of Ontario, 2019.

SCHEDULE 1 FOREIGN CULTURAL OBJECTS IMMUNITY FROM SEIZURE ACT, 2019

The *Foreign Cultural Objects Immunity from Seizure Act* is repealed and the *Foreign Cultural Objects Immunity from Seizure Act, 2019* is enacted. The new Act prevents the commencement of any proceedings and the enforcement of any remedies in Ontario that would have the effect of depriving a designated institution or a carrier of custody or control of a work of art or other cultural object from a foreign country, if certain requirements are met. A designated institution must provide reports to the Minister, if required to do so by the regulations.

SCHEDULE 2 LOCAL PLANNING APPEAL SUPPORT CENTRE REPEAL ACT, 2019

The Schedule dissolves the Local Planning Appeal Support Centre and repeals the *Local Planning Appeal Support Centre Act, 2017*.

SCHEDULE 3 MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

Agricultural and Horticultural Organizations Act

The Schedule amends the *Agricultural and Horticultural Organizations Act*. Currently, subsection 10 (3) of the Act requires agricultural associations, agricultural societies and horticultural societies incorporated or continued under the Act to give notice of their annual meetings by mail and by publishing the notice in certain newspapers or periodicals. This provision is amended so a particular means of giving notice is no longer specified.

The Schedule also repeals the following provisions of the Act: section 12 (respecting the provision of security by certain board members), section 31 (authorizing agricultural societies to pass by-laws prohibiting certain activities on or near exhibition grounds), section 39 (respecting the affiliation of horticultural societies with the Ontario Horticultural Association), section 40 (authorizing horticultural societies to pass by-laws respecting awarding prizes) and clause 41 (a) (authorizing the Lieutenant Governor in Council to make regulations respecting horse races).

Agricultural Products Insurance Act, 1996

The Schedule amends the *Agricultural Products Insurance Act, 1996* with respect to the manner in which AgriCorp offers contracts of insurance, the jurisdiction of the Agriculture, Food and Rural Affairs Appeal Tribunal and the manner in which an appeal to the Tribunal is commenced. The Act is also amended with respect to the Ontario Crop Insurance Fund to provide that the money in the fund is not public money for the purposes of the *Financial Administration Act* and that AgriCorp may financially manage the fund.

Animal Health Act, 2009

The Schedule amends the *Animal Health Act, 2009* by repealing and substantively re-enacting subsections 67 (2), (3) and (4) and sections 72, 73 and 74. These provisions are subject to repeal by section 10.1 of the *Legislation Act, 2006* on December 31, 2019. These amendments would continue to provide for the repeal of the *Bees Act*, the *Livestock Community Sales Act* and the *Livestock Medicines Act* on a day to be proclaimed.

Beef Cattle Marketing Act

The Schedule amends the *Beef Cattle Marketing Act* to confer on the Minister of Agriculture, Food and Rural Affairs the power to make regulations that is currently conferred on the Lieutenant Governor in Council. The Act is also amended to remove reference to the Lieutenant Governor in Council fixing the remuneration and allowance for expenses of inspectors and price reporters appointed for the purposes of the Act and to amend certain references to a specified federal statute.

Farm Products Grades and Sales Act

The Schedule repeals the *Farm Products Grades and Sales Act* and makes a consequential amendment to the *Farm Products Payment Act*.

Farm Registration and Farm Organizations Funding Act, 1993

The Schedule makes a number of amendments to the *Farm Registration and Farm Organizations Funding Act, 1993* relating to the administration of the Act, including providing for the appointment of a Crown agency to administer the Act, the framework for issuing farming business registration numbers and the procedures for applications, hearings and reviews under the Act, including those relating to the accreditation of farm organizations.

Fish Inspection Act

The Schedule amends the *Fish Inspection Act* to allow certain inspectors designated for the purposes of the *Safe Food for Canadians Act* (Canada) to be declared inspectors for the purposes of the Act. It also provides for the immediate repeal of section 12 of the Act, which relates to a federal Act which was repealed in 2019, and for the repeal of the Act as a whole on a day to be proclaimed.

Food Safety and Quality Act, 2001

Currently, penalties for offences under the *Food Safety and Quality Act, 2001* are determined by reference to whether the convicted person has been previously convicted under other Acts listed in subsection 46 (3) of the Act. The Schedule amends that subsection to include a reference to the *Safe Food for Canadians Act* (Canada). A technical amendment is also made to clause 46 (3) (c) of the Act.

Livestock and Livestock Products Act

The Schedule amends the *Livestock and Livestock Products Act* to provide that regulations made under the Act that establish any grade name, standard or grade may do so by incorporating a document by reference in such a way as to reflect future changes to that document. The amendments provide that this is permitted where the document is also incorporated by reference in a regulation made under an Act of Canada in such a way as to include future changes to the document.

Livestock Medicines Act

The Schedule amends the *Livestock Medicines Act* to repeal provisions relating to the Livestock Medicines Advisory Committee.

Milk Act

The Schedule amends the *Milk Act* to provide that regulations made under the Act that establish grades or standards, grade names or marks or various technical requirements for packaging may do so by incorporating a document by reference in such a way as to reflect future changes to that document. The amendments provide that this is permitted where the document is also incorporated by reference in a regulation made under an Act of Canada in such a way as to include future changes to the document. The Schedule also makes various amendments to the French version of the Act.

**SCHEDULE 4
MINISTRY OF THE ATTORNEY GENERAL**

Legislation Act, 2006

Section 72 of the *Legislation Act, 2006*, respecting the implications of a change in reigning sovereign, is re-enacted to restate the default rule that a change of sovereign does not affect anything done or begun under the previous sovereign, as well as to expressly confirm that it does not affect Crown appointments or offices, or any related oaths or affirmations.

Public Officers Act

Sections 2 and 3 of the *Public Officers Act*, dealing with the demise of the Sovereign, are repealed in light of the re-enactment of section 72 of the *Legislation Act, 2006* by this Schedule.

**SCHEDULE 5
MINISTRY OF COLLEGES AND UNIVERSITIES**

Algoma University Act, 2008

Currently, the *Algoma University Act, 2008* provides that the university may grant bachelor degrees only in certain programs. The Act is amended to permit the university to confer bachelor degrees in any arts or science program. A further amendment is made to permit the university to confer degrees and award certificates and diplomas in any and all branches of learning. Both amendments come into force on a day to be named by proclamation.

Ontario College of Art & Design University Act, 2002

Currently, the *Ontario College of Art & Design University Act, 2002* provides that the only baccalaureate degrees the university may grant are Bachelor of Fine Arts and Bachelor of Design degrees. The Act is amended to permit the university to also confer a Bachelor of Arts degree and a Doctor of Philosophy degree. A further amendment is made to permit the university to confer degrees and award certificates and diplomas in any and all branches of learning. Both amendments come into force on a day to be named by proclamation.

**SCHEDULE 6
MINISTRY OF ECONOMIC DEVELOPMENT, JOB CREATION AND TRADE**

Partnerships for Jobs and Growth Act, 2014

The Schedule repeals the *Partnerships for Jobs and Growth Act, 2014*.

SCHEDULE 7
MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES

Mining Act

Various amendments are made with respect to Part VII of the *Mining Act*. Amendments are made in several provisions to distinguish between the submission by a proponent and filing by the Director of a closure plan or an amendment to a closure plan. If a proponent submits an amendment to a closure plan in respect of advanced exploration or mine production, the Director is required to make a decision about filing the amendment no later than 45 days after the submission.

Northern Services Boards Act

Part II of the *Northern Services Boards Act*, which currently provides for the establishment of area services boards, is repealed. Consequential amendments are made to the *City of Toronto Act, 2006*, the *Municipal Act, 2001* and the *Ontario Municipal Employees Retirement System Act, 2006*. In addition, a regulation made under the *Northern Services Boards Act* relating to area services boards is revoked.

SCHEDULE 8
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

Environmental Protection Act

The Schedule makes various amendments to the *Environmental Protection Act*, including amendments respecting administrative penalties. Various provisions of the Act are repealed: provisions respecting environmental penalties; provisions used to govern emissions from motor vehicles; and the provision that provides for a process to be followed, including the involvement of the Minister and a board of negotiation, when a person complains that a contaminant is causing or has caused injury or damage to livestock or to crops, trees or other vegetation which may result in economic loss to the person.

Nutrient Management Act, 2002

The Schedule adds provisions respecting administrative penalties to the *Nutrient Management Act, 2002*.

Ontario Water Resources Act

The Schedule amends the *Ontario Water Resources Act* in respect of administrative penalties. Provisions of the Act respecting environmental penalties are repealed.

Other amendments to the Act relate to section 34 of the Act, which prohibits the taking of water in specified circumstances except in accordance with a permit issued under the Act, subject to certain exceptions. The Schedule adds an exception for the taking of water for the purpose of constructing or operating a dam within the meaning of the *Lakes and Rivers Improvement Act* if the dam is associated with the production of electricity. The Minister is given authority to make regulations deeming a permit or all permits in a specified class to be revoked on a specified date, where the permit or permits in the class relate to water takings that are exempted from subsection 34 (1).

Pesticides Act

The Schedule repeals provisions of section 7.1 of the *Pesticides Act*, which currently prohibits the use of prescribed pesticides that may be used for a cosmetic purpose, subject to specified exceptions. The repealed provisions are replaced with provisions that prohibit the use of an active ingredient unless the Director has determined that the active ingredient is appropriate for use for a cosmetic purpose and has listed the active ingredient in a prescribed document. Also, the provision of the Act that currently prohibits the sale of prescribed pesticides is replaced with a provision that prohibits the sale of pesticides unless they have been prescribed.

Provisions that provide for the Pesticides Advisory Committee are repealed. Provisions respecting administrative penalties are added to the Act.

Resource Recovery and Circular Economy Act, 2016

The Schedule makes various amendments to the *Resource Recovery and Circular Economy Act, 2016* relating to the Resource Productivity and Recovery Authority. These amendments relate to the objects of the Authority, the purposes of the Resource Productivity and Recovery Registry, the application of certain provisions of Part V of the Act and the authority to fix amounts to be paid by the Authority to defray costs of the Crown.

Safe Drinking Water Act, 2002

The Schedule adds provisions respecting administrative penalties to the *Safe Drinking Water Act, 2002*.

Waste Diversion Transition Act, 2016

The Schedule amends the *Waste Diversion Transition Act, 2016* to address the distribution of property to the Resource Productivity and Recovery Authority by an industry funding organization.

**SCHEDULE 9
MINISTRY OF FINANCE**

Insurance Act

The Schedule makes several amendments to the *Insurance Act*. Here are some highlights:

1. Certain publication requirements in the Act that refer to The Ontario Gazette are updated to refer instead to the website of the Financial Services Regulatory Authority of Ontario.
2. Provisions that refer to organizations recognized under subsection 393 (14) of the Act are amended to delete those references.
3. Various provisions of the Act are repealed.

Pension Benefits Act

The Schedule makes several amendments to the *Pension Benefits Act*. Here are some highlights:

1. Currently, subsection 8 (1) of the Act specifies the persons, bodies and entities who are eligible to act as the administrator of a pension plan. Clauses 8 (1) (b) and (c) are repealed and re-enacted as new 8 (1) (b). New clause 8 (1) (c) provides that, if the pension plan is a single employer jointly sponsored pension plan, the administrator may be a board of trustees or any person, body or entity referred to in other specified clauses of the subsection.
2. Subsection 10 (3) of the Act specifies the information that must be set out in the documents that create and support a jointly sponsored pension plan. The subsection is amended to require the documents to set out the powers and duties of a board of trustees that is the administrator of a jointly sponsored pension plan.
3. Currently, subsection 27 (2) of the Act requires administrators to give former members and retired members written statements. Subsection 27 (3) permits the Chief Executive Officer to waive that requirement if he or she is satisfied that there are reasonable and probable grounds to believe the former member or retired member is missing. The subsection is re-enacted to permit the Chief Executive Officer to waive the requirement if he or she is satisfied that the administrator is unable to locate the former member or retired member after making reasonable efforts to do so. A new subsection 27 (4) sets out factors that the Chief Executive Officer must consider in determining whether the administrator made reasonable efforts. New subsections 27 (5) and (6) provide that the waiver is revoked and the administrator must promptly notify the Chief Executive Officer if the administrator receives the contact information of the missing former member or retired member.
4. Currently, the Act establishes how spouses, including former spouses, may obtain a statement of imputed value, for family law purposes, of a spouse's pension assets and provides for the transfer of a lump sum from the pension plan and the division of the pension in specified circumstances. The Schedule amends the Act to provide the Financial Services Regulatory Authority of Ontario with additional rule-making authority respecting certain aspects of a lump sum transfer or division of a pension.
5. Various amendments are made to the Act to address the manner in which a statement of imputed value, for family law purposes, may be obtained if, on or after the family law valuation date, the pension assets cease to be available, as well as to provide for the transfer of a lump sum from a pension plan and the division of a pension in situations where, on or after the family law valuation date, the assets have been transferred to another pension plan. The Schedule makes consequential amendments to the *Family Law Act*, along with a housekeeping amendment.
6. Section 80.4 of the Act currently 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. A new subsection 80.4 (11.1) provides that the application for the Chief Executive Officer's consent to the transfer may be made before the jointly sponsored pension plan is registered under the Act. However, if the application for registration of the jointly sponsored plan is not received by the Chief Executive Officer within 90 days after the application for consent is made, the application for consent is deemed not to have been made. A new subsection 80.4 (12.1) permits the Chief Executive Officer to waive or vary the application of certain provisions of the regulations that are made for the purposes of section 80.4. A similar power is added to section 81.0.1.
7. The Act is amended to further facilitate electronic communication by deeming members and former members of a pension plan to consent to the receipt of certain documents sent by the administrator in an electronic form, provided certain conditions are met, including the ability of such members to request that the administrator, at any time, send documents in another written form.
8. The Act is amended to permit a pension plan administrator to send certain documents containing personal information electronically, but only if such documents are sent through a secure information system that requires the intended recipient to identify themselves prior to accessing the document.
9. The Act is amended to provide that the regulation-making authority set out in subsection 115 (3) to adopt by reference and require compliance with a code, formula, standard or procedure includes the power to adopt the code, formula, standard or procedure as it may be amended from time to time.

SCHEDULE 10
MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

Repeals

The Schedule repeals the *Paperback and Periodical Distributors Act* and the *Residential Complex Sales Representation Act*.

Search warrant provisions

The Schedule amends 16 Acts administered by the Minister of Government and Consumer Services to require that investigators who seize things under a search warrant or in exigent circumstances report the seizure to a justice of the peace. The Schedule also standardizes many of the provisions dealing with searches under a warrant.

SCHEDULE 11
MINISTRY OF HEALTH

Ontario Drug Benefit Act

The requirement in the *Ontario Drug Benefit Act* that the executive officer prepare an annual report is repealed, retroactive to April 1, 2016.

SCHEDULE 12
MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES

Public Libraries Act

Currently, under subsection 10 (1) of the *Public Libraries Act*, a person must be a Canadian citizen to qualify to be appointed as a member of a public library board. The section is amended to provide that a person who is a permanent resident of Canada may also qualify to be appointed as a member of a board.

Currently, subsection 16 (1) of the Act requires public library boards to hold regular meetings once a month for at least 10 months each year. The subsection is re-enacted to require boards to hold a minimum of seven regular meetings in each year.

SCHEDULE 13
MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT

Occupational Health and Safety Act

The Schedule amends the *Occupational Health and Safety Act* to repeal section 34 and to amend a related cross-reference.

SCHEDULE 14
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Building Code Act, 1992

The Schedule amends subsection 27 (1) of the *Building Code Act, 1992* to provide that a notice or order required by the Act to be served may be served by email to the last known email address of the person to whom service is required to be made. The Schedule also adds subsection 27 (3), which sets out when service by email is deemed to have been made. The Schedule repeals subsections 34 (6) and (7) of the Act to remove the requirement for the Minister of Municipal Affairs and Housing to initiate a review of the energy and water conservation provisions of the building code every five years. The Schedule also repeals section 34.1 of the Act to dissolve the Building Code Conservation Advisory Council.

Statute Labour Act

The Schedule repeals the *Statute Labour Act* and makes complementary amendments to various Acts. The Schedule also amends the *Statute Labour Act* to add two new sections that come into force before the Act is repealed. Section 38 provides that a road commissioner shall provide the Minister of Municipal Affairs and Housing with information designated by the Minister at the times and in the manner and form designated by the Minister. Section 39 provides that the Minister may, by order, abolish statute labour and the office of road commissioner in an area over which a commissioner has jurisdiction and provide for the disposition of the assets and liabilities of the office of road commissioner as the Minister considers appropriate.

SCHEDULE 15
MINISTRY OF NATURAL RESOURCES AND FORESTRY

Aggregate Resources Act

Various amendments are made to the *Aggregate Resources Act*, including the following:

1. In considering whether a licence for a pit or quarry under the Act should be issued or refused, the Minister or Local Planning Appeal Tribunal cannot have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site.
2. New provisions provide for the following specified provisions in zoning by-laws to be inoperative:
 - i. restrictions on the depth of extraction in specified circumstances, and

- ii. prohibitions against a site being used for the making, establishment or operation of pits and quarries where the surface rights are the property of the Crown.
3. Several amendments relating to licences and permits are made. Some of these amendments were enacted as part of Schedule 1 to the *Aggregate Resources and Mining Modernization Act, 2017* but not proclaimed into force; these are reproduced in the Schedule in order to allow for them to come into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.
 4. New provisions are included to address the process for dealing with the following circumstances in which changes to a licence or permit are desired:
 - i. where a licensee wishes to lower the depth of extraction from above the water table to below the water table, and
 - ii. where a licensee or permittee wishes to expand the boundaries of the area subject to a licence or permit into an adjacent road allowance.

Crown Forest Sustainability Act, 1994

The *Crown Forest Sustainability Act, 1994* is amended to allow the Minister to issue permits for the removal of forest resources in cases where an activity requires the forest resources to be removed and not be renewed for the duration of the activity. Rules are established with respect to permits.

Subsections 11 (1) and (2) are amended to explicitly authorize the Minister to extend a forest management plan. Subsection 11 (3) is updated to take into account recent changes in the *Endangered Species Act, 2007*. Subsections 17 (3) to (6) are amended so that work schedules no longer have to be approved by the Minister. Subsection 26 (2) is amended to provide the Minister with the discretion to extend or not a sustainable forest licence and subsection 41.2 (1) is amended to expand the limitation on remedies against the Crown.

Various obsolete transition provisions related to the *Crown Timber Act* are repealed and certain provisions requiring the Minister to provide reports to the Lieutenant Governor in Council and to table the reports in the Legislative Assembly are replaced with a requirement for the Minister to make the reports available to the public.

Fish and Wildlife Conservation Act, 1997

The *Fish and Wildlife Conservation Act, 1997* is amended to provide the Minister with the power to issue an order establishing wildlife disease control and surveillance zones to assist in controlling or eradicating wildlife diseases that may have serious adverse impacts on wildlife or minimizing the impacts of those diseases in Ontario. The order will set out requirements, restrictions or prohibitions that apply within the zones such as prohibitions or restrictions against hunting, trapping or possession of wildlife within the zone as well as requirements to submit information. The Lieutenant Governor in Council is also given a new regulation making power respecting wildlife diseases. New rules regarding the safekeeping of seized things are added in subsections 92 (3) to (3.3).

Freshwater Fish Marketing Act (Ontario)

The Schedule repeals the *Freshwater Fish Marketing Act (Ontario)* and Regulation 463 (General) made under the Act.

Lakes and Rivers Improvement Act

The Schedule makes changes to the regulation making powers in section 3 of the *Lakes and Rivers Improvement Act*. The Minister is given the power to make regulations with respect to the assessment and management of impacts on fish, wildlife and other natural resources resulting from the construction, operation or changes to a dam associated with the production of electricity.

Oil, Gas and Salt Resources Act

The Schedule amends the *Oil, Gas and Salt Resources Act* to allow a person, who meets any prescribed qualifications and in the prescribed circumstances, to undertake certain activities in relation to a well without a licence if the person does so in accordance with any prescribed terms, conditions, restrictions and requirements. The definition of well in the Act is expanded to clarify the meaning of geological evaluations and testing. New subsection 13 (1.1) provides that, in the prescribed circumstances, the Minister shall grant a licence to an applicant who meets any prescribed qualifications. Subsections 13 (1) and (2) and section 14 of the Act are expanded by requiring the Minister to provide a notice of proposal to persons that will be affected by the Minister's decisions under those subsections. Those persons will now have 30 days to ask the Minister for a referral. The Minister is no longer required to submit to the Lieutenant Governor in Council or table in the Legislative Assembly the Trust's report on its financial affairs. However, the Trust will have to make the report available to the public. The Lieutenant Governor in Council's regulation-making powers are also amended in section 17.

Public Lands Act

The Schedule adds a new subsection to section 21.1 of the *Public Lands Act* specifying that a regulation made under that section may restrict a common law right of passage over a road or road allowance on Crown lands. Section 36 is re-enacted to update the timing of the Minister's transmission of lists to the Municipal Property Assessment Corporation. Subsection 50 (1) of the act is amended to add nuisance to those matters that would not give rise to a liability for damages against the Crown. The methods for closing a road set out in section 52 of the Act are amended to allow for notice to be provided electronically and to

remove the requirement that barricades include lights. Subsection 68.1 (2) of the Act is amended to allow the Minister to release by order certain reservations or interests of the Crown on public lands that have been disposed of by the Crown.

SCHEDULE 16
MINISTRY OF TRANSPORTATION

Highway 407 Act, 1998

The Schedule amends the *Highway 407 Act, 1998*.

Currently, the owner of Highway 407 may charge a fee for the purposes of recovering costs associated with a person's failure to pay a Highway 407 toll or fee. That fee requires a separate invoice from the initial invoice for the toll or fee and, if that fee is not paid, it also requires a separate notice of failure to pay and a separate process with respect to non-validation of the person's vehicle permit.

The Schedule provides that if a Highway 407 toll and the related fees and interest are not paid, the notice of failure to pay shall inform the person that if the amounts owing are not paid within 90 days, an enforcement fee may be charged in addition to the other consequences. The enforcement fee could then be charged without a further invoice, without further notice of failure to pay and with a single process with respect to non-validation of the person's vehicle permit.

Consequential, related and technical amendments are made.

Highway 407 East Act, 2012

The Schedule amends the *Highway 407 East Act, 2012*.

Currently, the person or entity authorized to collect and enforce the payment of tolls, related fees and interest for Highway 407 East may charge a fee for the purposes of recovering costs associated with a person's failure to pay a Highway 407 East toll or fee. That fee requires a separate invoice from the initial invoice for the toll or fee and, if that fee is not paid, it also requires a separate notice of failure to pay and a separate process with respect to non-validation of the person's vehicle permit.

The Schedule provides that if a Highway 407 East toll and the related fees and interest are not paid, the notice of failure to pay shall inform the person that if the amounts owing are not paid within 90 days, an enforcement fee may be charged in addition to other consequences. The enforcement fee could then be charged without a further invoice, without further notice of failure to pay and with a single process with respect to non-validation of the person's vehicle permit.

Consequential and related amendments are made.

Highway Traffic Act

The Schedule amends the *Highway Traffic Act* to enable emissions from motor vehicles to be governed under that Act.

The Schedule also amends the Act to enable municipalities to allow all or some off-road vehicles to be driven on municipal highways, subject to regulations.

Related and technical amendments are made.

An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations

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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 *Better for People, Smarter for Business Act, 2019*.

SCHEDULE 1
FOREIGN CULTURAL OBJECTS IMMUNITY FROM SEIZURE ACT, 2019

Definitions

1 In this Act,

“designated institution” means an institution designated by the regulations under this Act; (“établissement désigné”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“proceeding” means any proceeding, and includes an arbitral, administrative or court proceeding. (“instance”)

Immunity

2 (1) No proceeding shall be commenced and no judgment, decree, order, warrant or any other remedy shall be enforced in Ontario for the purpose of or having the effect of depriving a designated institution of custody or control of a work of art or other cultural object while that work or object is in Ontario, if,

- (a) the work or object is from a foreign country and is brought into Ontario pursuant to an agreement between the foreign owner or custodian of the work or object and the designated institution providing for the temporary exhibition or display of the work or object in Ontario that is administered, operated or sponsored by the designated institution; and
- (b) the prescribed requirements are met.

Same, carrier

(2) No proceeding shall be commenced and no judgment, decree, order, warrant or any other remedy shall be enforced in Ontario for the purpose of or having the effect of depriving a carrier engaged in transporting a work of art or other cultural object of custody or control of that work or object while that work or object is in Ontario, if,

- (a) the work or object is from a foreign country and is brought into Ontario pursuant to an agreement between the foreign owner or custodian of the work or object and a designated institution providing for the temporary exhibition or display of the work or object in Ontario that is administered, operated or sponsored by the designated institution; and
- (b) the prescribed requirements are met.

Proceedings in respect of agreements not precluded

(3) Subsections (1) and (2) do not preclude any proceeding in respect of any agreement referred to in clause (1) (a) or (2) (a) or any agreement with respect to the transport of a work of art or other cultural object to which subsection (1) or (2) applies.

Reports

3 A designated institution shall, if required to do so by the regulations, provide reports to the Minister at the prescribed times and in the prescribed form.

Regulations

4 The Minister may make regulations providing for any matters which, in the opinion of the Minister, are necessary or advisable for the purposes of this Act, including,

- (a) prescribing anything required to be or referred to in this Act as being prescribed by the regulations;
- (b) designating institutions for the purpose of the definition of “designated institution” in section 1;
- (c) governing transitional matters that may arise due to the enactment of this Act and the repeal of the *Foreign Cultural Objects Immunity from Seizure Act*.

Repeal

5 The *Foreign Cultural Objects Immunity from Seizure Act* is repealed.

Commencement

6 The Act set out in this Schedule comes into force on a day named by proclamation of the Lieutenant Governor.

Short title

7 The short title of the Act set out in this Schedule is the *Foreign Cultural Objects Immunity from Seizure Act, 2019*.

SCHEDULE 2
LOCAL PLANNING APPEAL SUPPORT CENTRE REPEAL ACT, 2019

Dissolution of Centre

1 The Local Planning Appeal Support Centre is dissolved.

Repeal of this Act

2 This Act is repealed.

Repeal of *Local Planning Appeal Support Centre Act, 2017*

3 The *Local Planning Appeal Support Centre Act, 2017* is repealed.

Commencement

4 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(2) Section 2 comes into force six months after the day on which the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

Short title

5 The short title of the Act set out in this Schedule is the *Local Planning Appeal Support Centre Repeal Act, 2019*.

SCHEDULE 3
MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS
AGRICULTURAL AND HORTICULTURAL ORGANIZATIONS ACT

1 Subsection 10 (3) of the *Agricultural and Horticultural Organizations Act* is repealed and the following substituted:

Notice of annual meeting

(3) At least two weeks notice of the annual meeting shall be given to each member of the organization.

2 Sections 12, 31, 39 and 40 and clause 41 (a) of the Act are repealed.

AGRICULTURAL PRODUCTS INSURANCE ACT, 1996

3 Section 2.1 of the *Agricultural Products Insurance Act, 1996* is repealed and the following substituted:

Contracts of insurance

2.1 (1) AgriCorp shall offer contracts of insurance for agricultural products.

Newly designated product

(2) If a product is designated as an agricultural product, AgriCorp shall offer contracts of insurance in respect of the agricultural product as soon as reasonably possible after the designation.

Formerly designated product

(3) If the designation of a product as an agricultural product is revoked, AgriCorp shall cease offering contracts of insurance in respect of the product as soon as reasonably possible after the revocation.

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

Terms of contracts of insurance

(1) AgriCorp shall fix the terms of contracts of insurance, subject to subsection (1.1).

Ministerial approval

- (1.1) AgriCorp shall obtain the approval of the Minister before,
- (a) offering any new standard form contracts of insurance; or
 - (b) making any changes to an existing standard form contract of insurance that affects,
 - (i) the premium charged under the contract of insurance,
 - (ii) the risks insured under the contract of insurance, or
 - (iii) any other aspect of a contract of insurance that the Minister may direct.

5 (1) Subsection 10 (1) of the Act is repealed and the following substituted:

Appeal to tribunal

(1) A person aggrieved by a decision of AgriCorp in relation to a contract of insurance, including a decision of whether to enter into a contract of insurance, may appeal that decision to the Tribunal.

(2) **Subsection 10 (2) of the Act is amended by striking out “the other party within the time specified by the regulations made under this Act” and substituting “any person specified by the regulations made under this Act within the time specified by the regulations”.**

(3) **Subsection 10 (4) of the Act is amended by adding “final and” before “binding”.**

(4) **Subsection 10 (5) of the Act is repealed.**

6 Section 11 of the Act is amended by adding the following subsections:

Not public money

(2.1) The money that AgriCorp collects in performing its functions under this Act, and any interest accrued from investing that money, shall not be considered public money for the purposes of the *Financial Administration Act*.

Management of Fund

(2.2) AgriCorp may financially manage the Fund.

7 (1) Section 11.1 of the Act is amended by striking out the portion before clause (a) and substituting the following:

Regulations by Minister

11.1 The Minister may make regulations respecting any matter necessary or advisable to carry out effectively the purpose or intent of this Act including,

(2) Section 11.1 of the Act is amended by adding the following clause:

- (a.1) governing the manner in which appeals under section 10 may be commenced, including anything referred to in subsection 10 (2) as being specified by the regulations;

8 Sections 12 and 13 of the Act are repealed.

ANIMAL HEALTH ACT, 2009

9 (1) Paragraph 1 of subsection 12 (1) of the *Animal Health Act, 2009* is repealed and the following substituted:

1. A licence with respect to,
 - i. commercial operations that receive and handle animals for the purpose of sale or distribution or for the purpose of feeding, watering or resting animals while in transit,
 - ii. the sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose, or
 - iii. such other activities for the purposes of animal health monitoring and control as may be prescribed.

(2) Subsection (1) only applies if section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* is in force and section 14 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* has not come into force.

(3) Paragraph 1 of subsection 12 (1) of the Act is repealed and the following substituted:

1. A licence with respect to,
 - i. commercial operations that receive and handle animals for the purpose of sale or distribution or for the purpose of feeding, watering or resting animals while in transit,
 - ii. the control and regulation of the sale of livestock medicines, including places where livestock medicines are sold or offered for sale or distribution, or
 - iii. such other activities for the purposes of animal health monitoring and control as may be prescribed.

(4) Subsection (3) only applies if section 14 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* is in force and section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* has not come into force.

(5) Paragraph 1 of subsection 12 (1) of the Act, as re-enacted by subsection (1) or (3), is repealed and the following substituted:

1. A licence with respect to,
 - i. commercial operations that receive and handle animals for the purpose of sale or distribution or for the purpose of feeding, watering or resting animals while in transit,
 - ii. the control and regulation of the sale of livestock medicines, including places where livestock medicines are sold or offered for sale or distribution,
 - iii. the sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose, or
 - iv. such other activities for the purposes of animal health monitoring and control as may be prescribed.

(6) Subsection (5) only applies if sections 13 and 14 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* are both in force.

10 Subsections 67 (2), (3) and (4) and sections 72, 73 and 74 of the Act are repealed.

11 (1) Subsection 75 (2) of the Act is amended by striking out “section 74” and substituting “section 14 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019*”.

(2) Subsection 75 (3) of the Act is amended by striking out “section 72” and substituting “section 12 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019*”.

(3) Subsection 75 (4) of the Act is amended by striking out “section 73” and substituting “section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019*”.

Bees Act

12 The *Bees Act* is repealed.

Livestock Community Sales Act

13 The *Livestock Community Sales Act* is repealed.

Livestock Medicines Act

14 The *Livestock Medicines Act* is repealed.

BEEF CATTLE MARKETING ACT

15 Subsection 4 (1) of the *Beef Cattle Marketing Act* is amended by striking out “Lieutenant Governor in Council” and substituting “Minister”.

16 (1) Subsection 5 (1) of the Act is amended by striking out “Lieutenant Governor in Council” in the portion before clause (a) and substituting “Minister”.

(2) Clauses 5 (1) (c.1) and (d) of the Act are amended by striking out “*Farm Products Marketing Agencies Act (Canada)*” wherever it appears and substituting in each case “*Farm Products Agencies Act (Canada)*”.

17 Clause 5.1 (1) (a) of the Act is amended by striking out “*Farm Products Marketing Agencies Act (Canada)*” and substituting “*Farm Products Agencies Act (Canada)*”.

18 Section 6 of the Act is amended by striking out “and the Lieutenant Governor in Council may fix their remuneration and allowance for expenses” at the end.

FARM PRODUCTS GRADES AND SALES ACT

19 The *Farm Products Grades and Sales Act* is repealed.

Farm Products Payment Act

20 Paragraph 1 of clause 7 (1) (b) of the *Farm Products Payment Act* is repealed.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

21 The *Farm Registration and Farm Organizations Funding Act, 1993* is amended by adding the following heading before section 1:

DEFINITIONS, APPOINTMENT OF DIRECTOR

22 The Act is amended by adding the following section:

Appointment of Director

1.1 (1) The Minister shall appoint a Director for the purposes of this Act unless,

- (a) the administration of the provisions of this Act and the regulations that refer to the Director have been delegated to a Farm Registration Administrator; or
- (b) the Minister has designated a Crown agency under section 31.13.

Same

(2) If the administration of any provisions of this Act and the regulations are delegated to a Farm Registration Administrator, the Farm Registration Administrator shall appoint a Director from among its employees to perform any duty or exercise any power under those provisions.

Same

(3) If the Minister designates a Crown agency under section 31.13, the Crown agency shall appoint a Director from among its employees for the purposes of this Act.

Same

(4) An appointment made under this section may be subject to such conditions as the person making the appointment considers necessary.

References to Director

(5) For the purposes of this Act, a reference to the Director in a provision is a reference to the Director appointed by the Minister, by a Farm Registration Administrator or by the Crown agency designated under section 31.13, as determined in accordance with the following rules:

1. If a Farm Registration Administrator has been delegated responsibility for the administration of the provision, the reference is to the Director appointed by the Farm Registration Administrator for the purposes of that provision.

2. Absent any delegation of the administration of the provision to the Farm Registration Administrator, the reference is to,
 - i. the Director appointed by the Crown agency designated under section 31.13, or
 - ii. if no Crown agency has been designated under that section, the Director appointed by the Minister.

23 Sections 2 and 3 of the Act are repealed and the following substituted:

FARMING BUSINESS REGISTRATION NUMBERS

Requirement to obtain farming business registration number

2 (1) A person who carries on a farming business shall obtain a farming business registration number from the Director in accordance with the regulations if the annual gross income from the farming business, as determined in accordance with the regulations, is equal to or greater than the prescribed amount.

Obtaining a farming business registration number

(2) A person who is required to obtain a farming business registration number shall do so in accordance with the regulations.

Assignment of registration number

(3) The Director shall assign farming business registration numbers in accordance with the regulations.

Validity of registration number

(4) A farming business registration number expires at such time as set out in or determined in accordance with the regulations.

Renewal of registration number

(5) A person who holds a farming business registration number shall renew it in accordance with the regulations at such time as may be determined by regulations.

Use of information

3 The Ministry may use the information obtained under this Act to develop policies and programs for the advancement of agriculture, food and rural affairs for the Ministry, to develop and implement methods of distributing information about the policies and programs, to develop mailing lists and for the prescribed purposes.

24 (1) Subsections 4 (2) and (3) of the Act are repealed.

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

Notice

(4) The Tribunal shall give written notice of all applications under this section to any prescribed persons.

25 (1) Subsection 5 (1) of the Act is amended by striking out “or whether an organization’s accreditation is to be renewed” at the end.

(2) Subsection 5 (3) of the Act is amended by striking out “or renewal of accreditation”.

26 (1) Subsection 6 (1) of the Act is amended by adding “applying for accreditation” after the words “that the organization” wherever it appears.

(2) Subsection 6 (2) of the Act is amended by striking out “three years starting at the prescribed time” and substituting “the prescribed period”.

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

Service

(3) The Tribunal shall serve a copy of the order or decision made under this section on the organization applying for accreditation and any prescribed person.

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

Renewal

7 (1) Any accredited farm organization may apply to the Tribunal for a renewal of its accreditation if it does so during the prescribed period.

Preserving status

(2) The accreditation of an accredited farm organization that applies for a renewal of the accreditation during the prescribed period remains in effect until the Tribunal makes its order or decision pursuant to the application.

Notice

(3) The Tribunal shall give written notice of all renewal applications under this section to any prescribed persons.

Hearing on application

7.1 (1) The Tribunal shall hold a hearing before determining whether an accredited farm organization's accreditation is to be renewed.

Submissions

(2) Any person or organization entitled to notice of a renewal application may make submissions in a hearing relating to whether the organization's accreditation is to be renewed.

Party

(3) The accredited farm organization seeking a renewal of its accreditation is a party to the hearing.

Order on application

7.2 (1) If the Tribunal determines that the organization meets the prescribed criteria for an accredited farm organization, the Tribunal shall, by order, renew its accreditation.

Term of accreditation

(2) The accreditation of a farm organization, as renewed by the Tribunal, is in effect for the prescribed period.

Order on application for renewal of accreditation

7.3 (1) If the Tribunal determines that an organization no longer meets the prescribed criteria for an accredited farm organization, the Tribunal may,

- (a) refuse to renew the organization's accreditation; or
- (b) issue, by order, a provisional accreditation and require the organization to meet specified conditions within a specified period of time in order to have its accreditation renewed.

Same

(2) The Tribunal may provide that an organization that has been issued a provisional accreditation is not entitled to be forwarded payments under subsection 21 (3).

Further hearing

(3) If an organization that has been issued a provisional accreditation does not meet the specified conditions within the specified period of time, the Tribunal may, after holding a hearing under section 7.1, make a further order under subsection (1).

Non-renewal of accreditation

(4) An order refusing to renew an organization's accreditation takes effect on the date set out in the order.

Service

(5) The Tribunal shall serve a copy the order or decision made under this section on the organization applying for renewal and any prescribed person.

Suspended payments

(6) The following rules apply if the Tribunal, under subsection (2), suspended the forwarding of payments to the organization:

- 1. If the accreditation is renewed, any payments that were not forwarded to the organization shall be forwarded to the organization.
- 2. If the accreditation is not renewed, any payments that were not forwarded to the organization shall be returned to the person who made the payment in order to be re-directed to another accredited farm organization.

28 Subsection 8 (3) of the Act is repealed.

29 (1) Subsection 10 (2) of the Act is repealed and the following substituted:

Same

(2) The Tribunal may provide that an accredited farm organization that is required to meet specified conditions within a specified period of time is not entitled to be forwarded payments under subsection 21 (3) until the Tribunal issues an order finding that the accredited farm organization has met the conditions within the period of time.

(2) Section 10 of the Act is amended by adding the following subsections:

Service

(5) The Tribunal shall serve a copy of the order or decision made under this section on the organization affected by the order or decision and any prescribed person.

Suspended payments

- (6) The following rules apply if the Tribunal, under subsection (2), suspended the forwarding of payments to the organization:
1. If the accreditation is renewed, any payments that were not forwarded to the organization shall be forwarded to the organization.
 2. If the accreditation is not renewed, any payments that were not forwarded to the organization shall be returned to the person who made the payment in order to be re-directed to another accredited farm organization.

30 (1) Subsection 11 (4) of the Act is amended by striking out “on the Ministry, the organization that made the application and the remaining accredited farm organizations” and substituting “on the Director, the organization that made the application and any prescribed person”.

(2) Subsection 11 (6) of the Act is amended by striking out “Ministry” wherever it appears and substituting in each case “Director” and by striking out “it gets” and substituting “receiving”.

31 Sections 12 to 20 of the Act are repealed and the following substituted:

ELIGIBLE FRANCOPHONE ORGANIZATION

Francophone organization

12 (1) One francophone organization representing farmers in the Province may be eligible to receive special funding under this Act if it,

- (a) serves the socioeconomic and cultural interests of francophone farmers;
- (b) provides services to farming businesses in the French language; and
- (c) meets the prescribed criteria for eligibility.

Application for special funding

(2) A francophone organization wishing to receive special funding shall apply to the Tribunal.

Notice

(3) The Tribunal shall give written notice of all applications under this section to any prescribed persons.

No application

(4) Despite subsection (2), the Tribunal shall not accept any applications under this section if there is a francophone organization receiving special funding at the time of the application.

Hearing on application

13 (1) The Tribunal shall hold a hearing before determining whether the applicant francophone organization should receive special funding.

Submissions

(2) A person or organization entitled to notice of an application may make submissions in a hearing relating to whether the francophone organization is eligible to receive special funding and its ability to meet any criteria prescribed for the purposes of clause 12 (1) (c).

Party

(3) The francophone organization seeking to receive special funding is a party to the hearing.

Order on application

14 (1) If more than one organization applies for special funding and the Tribunal determines that only one organization meets the conditions for eligibility set out in subsection 12 (1), the Tribunal shall, by order, declare it to be the organization to receive special funding.

Several applicants

(2) If more than one organization applies for special funding and the Tribunal determines that more than one organization meets the conditions for eligibility set out in subsection 12 (1), the Tribunal shall, by order, declare the organization that, in the Tribunal’s opinion, best meets any criteria prescribed for the purposes of clause 12 (1) (c) as the organization to receive special funding.

Service

(3) The Tribunal shall serve a copy of any order or decision made under this section on all francophone organizations applying to receive special funding and any prescribed person.

Terms of eligibility for francophone organization

(4) The francophone organization shall receive special funding for the prescribed period of time.

Allocation of special funding to eligible francophone organization

(5) The special funding shall be allocated to the francophone organization in the prescribed manner.

Organization is accredited

15 (1) If the francophone organization receiving special funding is accredited under this Act, it shall no longer receive special funding.

One accreditation

(2) No other francophone organization shall receive special funding while the francophone organization referred to in subsection (1) is accredited.

Renewal

16 (1) The francophone organization receiving special funding may apply to the Tribunal to continue to receive special funding if it does so during the prescribed period.

Preserving status

(2) If the francophone organization applies to continue to receive special funding during the prescribed period, despite subsection 14 (4), the organization continues to receive special funding until the Tribunal makes a decision in respect of the application.

Notice

(3) The Tribunal shall give notice of all applications under this section to any prescribed persons.

Hearing of application

17 (1) The Tribunal shall hold a hearing before determining whether the francophone organization continues to be eligible to receive special funding

Submissions

(2) Any person or organization entitled to notice of the application may make submissions in a hearing relating to whether the francophone organization is still eligible to receive special funding.

Party

(3) The francophone organization seeking to continue receiving special funding is a party to the hearing.

Order on application for renewal of eligibility to receive special funding

18 (1) If the Tribunal determines that the francophone organization no longer meets the conditions for eligibility set out in subsection 12 (1), the Tribunal may, by order,

- (a) declare the francophone organization ineligible to receive special funding; or
- (b) provide that the francophone organization may continue to receive special funding if it meets specified conditions within a specified period of time.

Provisional renewal of eligibility to receive special funding

(2) In making an order under clause (1) (b), the Tribunal may provide that the francophone organization is not to receive special funding until it meets the specified conditions within the specified period of time.

Further hearing

(3) If an order is made under clause (1) (b) and the francophone organization does not meet the specified conditions within the specified time, the Tribunal may, after holding a hearing under section 17, make a further order under subsection (1).

Non-renewal of eligibility to receive funding

(4) An order declaring that the francophone organization is no longer eligible to receive special funding takes effect on the date set out in the order.

Service

(5) The Tribunal shall serve a copy of any order or decision made under this section on the francophone organization and any prescribed person.

Suspended payments

(6) The following rules apply if the Tribunal, under subsection (2), suspended the receipt of special funding to the francophone organization:

1. If the francophone organization is found to be eligible, any suspended payments shall be paid to the francophone organization.
2. If the francophone organization is found to no longer be eligible, any suspended payments shall be returned to the person who made the payment.

Review of eligibility

19 (1) If a panel of at least three members of the Tribunal believes that the francophone organization is no longer eligible for special funding, the chair may start a review of the organization's eligibility to receive special funding.

Notice

(2) The Tribunal shall give written notice of any review under this section to the francophone organization and to any prescribed person.

Hearing on review

20 (1) If a review is started pursuant to section 19, the Tribunal shall hold a hearing before determining whether the francophone organization continues to be eligible to receive special funding.

Party

(2) The francophone organization is a party to the hearing.

Submissions

(3) Any person or organization entitled to notice of the review may make submissions in a hearing relating to whether the francophone organization is still eligible to receive special funding.

Order respecting continued eligibility of francophone organization

20.1 If the Tribunal determines that the francophone organization no longer meets the conditions for eligibility set out in subsection 12 (1), the Tribunal may make an order referred to subsection 18 (1) and section 18 applies, with necessary modifications, in respect of the order.

Relinquishing eligibility to receive special funding

20.2 (1) A francophone organization may apply to the Tribunal to no longer receive special funding.

Notice

(2) The Tribunal shall give any prescribed persons written notice of every application that it receives under this section.

Revocation by Tribunal

(3) The Tribunal shall, without a hearing, make an order that the francophone organization shall no longer receive special funding.

Service

(4) The Tribunal shall serve a copy of the order on the francophone organization and any prescribed person.

Effective date

(5) The francophone organization shall stop receiving special funding as of the date set out in the order.

Suspension of payment

(6) An accredited farm organization may stop providing special funding to the francophone organization, as of the date set out in the order referred to in subsection (3).

32 Section 21 of the Act is repealed and the following substituted:

PAYMENTS TO ACCREDITED FARM ORGANIZATIONS

Payment

21 (1) Every person who is required to obtain a farming business registration number under section 2 shall make a payment in the prescribed amount to an accredited farm organization.

Payment remitted to Director

(2) A payment required under subsection (1) shall be remitted to the Director in accordance with the regulations.

Forwarding payments to organizations

(3) The Director shall promptly forward all payments received under subsection (2) to the appropriate accredited farm organization in accordance with the regulations.

Administration fee

(4) The Director may charge a fee to accredited farm organizations in the prescribed amount for anything done by the Director under this Act.

Revoking farming business registration number

(5) The Director may revoke a farming business registration number that was assigned to a person under subsection 2 (3) if the payment that was remitted to the Director under subsection (2),

- (a) was remitted in the form of a cheque that was subsequently returned with an indication that there were not sufficient funds to cover the cheque; or
- (b) was remitted in a form other than a cheque and ultimately all or part of the payment was not collected and was not paid to the accredited farm organization.

Reassignment of registration number

(6) If a person's farming business registration number is revoked under subsection (5), the Director may assign a farming business registration number to the person if the person makes the payment that was required under subsection (1) and that payment is received in full by the accredited farm organization.

Refund

(7) Despite subsection (1), any person who makes a payment to an accredited farm organization under this section may apply, within the prescribed time and in the prescribed manner, for a refund of the payment.

Same

(8) Subject to subsection (9), an accredited farm organization shall provide a refund to the person who made the payment in accordance with the regulations.

Same

(9) A refund shall not be paid to a person who does not have a valid farming business registration number.

No membership

(10) Payment to an accredited farm organization under this section does not confer membership in the accredited farm organization.

33 (1) Subsection 22 (1) of the Act, as re-enacted by subsection 8 (1) of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019*, is amended by striking out "registering the farming business" and substituting "obtaining a farming business registration number" and by striking out "register the farming business" and substituting "obtain a farming business registration number".

(2) Subsection 22 (2) of the Act, as re-enacted by subsection 8 (1) of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019*, is amended by striking out "registering the farming business" and substituting "obtaining a farming business registration number" and by striking out "register the farming business" and substituting "obtain a farming business registration number".

(3) Subsection 22 (3) of the Act, as re-enacted by subsection 8 (1) of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019*, is amended by striking out "registering the farming business" and substituting "obtaining a farming business registration number" and by striking out "register the farming business" and substituting "obtain a farming business registration number".

(4) Subsection 22 (6) of the Act, as re-enacted by subsection 8 (2) of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019*, is amended by striking out "registering a farming business" and substituting "obtaining a farming business registration number" and by striking out "register the farming business" and substituting "obtain a farming business registration number".

34 The Act is amended by adding the following section:

DESIGNATION OF CROWN AGENCY

Designation of Crown agency

31.13 (1) The Minister may designate a Crown agency that meets the prescribed conditions to administer this Act.

Agency agreement required

(2) The Minister may not designate a Crown agency under subsection (1) unless the Minister has entered into an agreement with the prospective agency respecting the performance of its functions under this Act.

Content of the agreement

(3) The agreement shall include all such matters that the Minister considers necessary to ensure the effective administration of this Act.

Previous administration

(4) The designation of a Crown agency under this section does not invalidate anything that was done by the Minister, the Ministry or AgriCorp to administer this Act or the regulations before the designation.

Revocation of designation

(5) The Minister may revoke the designation made under subsection (1) after giving the Crown agency such notice of his or her intention to revoke the designation as the Minister considers reasonable.

35 Section 33 of the Act is repealed and the following substituted:

Regulations, Lieutenant Governor in Council

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

- (a) prescribing the amount of annual gross income for the purposes of section 2 and respecting the manner of determining the annual gross income and the period for which it is to apply;
- (b) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (c) respecting any matter advisable to carry out effectively the intent and purpose of the regulations made under this subsection.

Regulations, Minister

(2) The Minister may make regulations,

- (a) governing the manner in which farming business registration numbers are obtained and assigned, including establishing classes of farming business registration numbers, any forms to be used and any relevant timeframes;
- (b) governing the imposition of conditions on farming business registration numbers and any consequences of non-compliance with those conditions;
- (c) requiring persons to pay a penalty for failing to obtain a farming business registration number at the required time;
- (d) exempting persons from the requirement of having to obtain a farming business registration number under section 2, including for a specified period of time, and prescribing the reasons for the exemption and any conditions to be met in order to be exempt;
- (e) authorizing persons whose farming business does not have a gross annual income equal to or greater than the amount prescribed for the purposes of section 2 to obtain a farming business registration number, including for a specified period of time and prescribing the reasons for the authorization and setting out any conditions that have to be met in order to benefit from the authorization;
- (f) governing the validity of farming business registration numbers, including their expiry and renewal;
- (g) prescribing purposes for which the Ministry may use information obtained under this Act;
- (h) prescribing persons who are to be given written notice of any hearing or review before the Tribunal under this Act or who are to be served with a copy of any order or decision made by the Tribunal under this Act;
- (i) respecting payments made to an accredited farm organization under section 21, including the amount of the payments, the manner in which the payments are to be made and the refund of such payments;
- (j) governing fees that may be charged to accredited farm organizations under subsection 21 (4), including the amount of fees and the manner in which they must be paid and the time at which they must be paid;
- (k) respecting the question of whether a farm organization provides its services to farming businesses in the French language;
- (l) respecting the length of time for which farm organizations are accredited and the length of time for which the francophone organization is eligible to receive special funding;
- (m) prescribing the period during which an application must be filed for the purposes of subsections 7 (1) and 16 (1);
- (n) respecting the criteria to be used for accrediting farm organizations;
- (o) respecting criteria for eligibility for special funding;
- (p) respecting allocation of money to the francophone organization eligible for special funding;

- (q) respecting anything that this Act requires or authorizes to be prescribed, or to be done in accordance with the regulations, specified in the regulations or determined by the regulations, unless the matter is referred to in subsection (1);
- (r) respecting any matter advisable to carry out effectively the intent and purpose of the regulations made under this subsection.

Same

(3) A regulation made under clause (1) (a) may provide that the manner of determining annual gross income be based on the calculations required to be made under the *Income Tax Act* (Canada).

Same

(4) A regulation made under clause (2) (a) may require different classes of persons to apply for a farming business registration number at different times.

Same

(5) A regulation made under clause (2) (i) may require different classes of persons referred to in subsection 21 (1) to pay different amounts.

Same

(6) A regulation made under clause (2) (l) shall not set a term of less than three years.

FISH INSPECTION ACT

36 Subsection 2 (2) of the *Fish Inspection Act* is amended by adding “or any class of persons designated as inspectors for the purposes of the *Safe Food for Canadians Act* (Canada)” after “*Fish Inspection Act* (Canada)”.

37 Section 12 of the Act is repealed.

38 The Act is repealed.

FOOD SAFETY AND QUALITY ACT, 2001

39 (1) Clause 46 (3) (c) of the *Food Safety and Quality Act, 2001* is amended by striking out “before section 58 comes into force” at the end.

(2) Clause 46 (3) (g) of the Act is amended by adding “the *Safe Food for Canadians Act* (Canada)” after “*Plant Protection Act* (Canada)”.

LIVESTOCK AND LIVESTOCK PRODUCTS ACT

40 (1) Subsection 16 (3) of the *Livestock and Livestock Products Act* is repealed and the following substituted:

Rolling incorporation

(3) A regulation made under this section that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made if,

- (a) the regulation, by reference to the document, establishes any grade name, standard or grade; and
- (b) the document is incorporated by reference in a regulation made under an Act of Canada that also provides that the reference to the document includes amendments made to the document from time to time after the regulation is made.

(2) Subsection 16 (3.1) of the Act is repealed.

LIVESTOCK MEDICINES ACT

41 The definition of “Committee” in section 1 of the *Livestock Medicines Act* is repealed.

42 Section 2 of the Act is repealed.

MILK ACT

43 (1) The French version of paragraph 2 of subsection 7 (1) of the *Milk Act* is amended by striking out “assorties à chacune d’entre elles” and substituting “dont chacune d’entre elles est assortie”.

(2) The French version of paragraph 6 of subsection 7 (1) of the Act is amended by striking out “l’application, le montant et l’emploi des pénalités” and substituting “l’imposition, le montant et l’affectation des pénalités” and by striking out “assortie au permis” and substituting “dont le permis est assorti”.

(3) The French version of paragraph 12 of subsection 7 (1) of the Act is repealed and the following substituted:

- 12. exiger et prévoir que toute personne ou catégorie de personnes qui se livre à la production, à la commercialisation ou à la transformation d’un produit réglementé fournisse une sûreté, une preuve de solvabilité ou un cautionnement

d'exécution et prévoir l'administration, la confiscation et l'emploi des sommes ou des sûretés concernées et de leur produit;

(4) The French version of paragraph 13 of subsection 7 (1) of the Act is amended by striking out “immédiats” and substituting “rapides”.

(5) The French version of paragraph 20 of subsection 7 (1) of the Act is amended by striking out “le recouvrement” and substituting “la perception”.

(6) The French version of paragraph 23 of subsection 7 (1) of the Act is amended by striking out “qui peuvent être exigibles”.

(7) The French version of subparagraph 24 i of subsection 7 (1) of the Act is amended by striking out “recouvrer” and substituting “percevoir”.

(8) The French version of subparagraph 24 ii of subsection 7 (1) of the Act is amended by striking out “jusqu'à concurrence de” and substituting “, qui ne peut pas dépasser”.

44 (1) The French version of paragraph 5 of subsection 19 (1) of the Act is amended by striking out “l'application, le montant et l'emploi des pénalités” and substituting “l'imposition, le montant et l'affectation des pénalités” and by striking out “assortie au permis” and substituting “dont est assorti le permis”.

(2) The French version of paragraph 6 of subsection 19 (1) of the Act is repealed and the following substituted:

6. exiger et prévoir que tout distributeur, toute catégorie de distributeurs ou toute personne qui se livre à l'exploitation d'une usine ou d'une catégorie d'usines fournisse une sûreté, une preuve de solvabilité ou un cautionnement d'exécution;

(3) Subsection 19 (3) of the Act is repealed and the following substituted:

Rolling incorporation

(3) A regulation made under this section that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made if,

- (a) the regulation, by reference to the document, establishes grades or standards, grade names or marks, requirements for packaging, packing, marking or labelling or specifications for containers or packages; and
- (b) the document is incorporated by reference in a regulation made under an Act of Canada that also provides that the reference to the document includes amendments made to the document from time to time after the regulation is made.

(4) Subsection 19 (4) of the Act is repealed.

COMMENCEMENT

Commencement

45 (1) Subject to subsection (2), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(2) Subsections 9 (1), (3) and (5) and sections 12 to 14, 21 to 35 and 38 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4
MINISTRY OF THE ATTORNEY GENERAL
LEGISLATION ACT, 2006

1 Section 72 of the *Legislation Act, 2006* is repealed and the following substituted:

Succession

72 (1) A change of reigning sovereign does not affect anything done or begun under the previous reigning sovereign, and all matters continue as if no succession had occurred.

Same, offices and oaths

- (2) For greater certainty, a change of reigning sovereign,
- (a) does not affect any appointment or the holding of any office under the Crown; and
 - (b) does not require the retaking of any related oath or affirmation.

PUBLIC OFFICERS ACT

2 Sections 2 and 3 of the *Public Officers Act* are repealed.

COMMENCEMENT

Commencement

3 This Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

**SCHEDULE 5
MINISTRY OF COLLEGES AND UNIVERSITIES**

ALGOMA UNIVERSITY ACT, 2008

1 (1) Section 6 of the *Algoma University Act, 2008* is repealed and the following substituted:

Degrees, etc.

6 The University may,

- (a) confer bachelor degrees in any arts or science program; and
- (b) award diplomas and certificates, except post-graduate diplomas and certificates, in any and all branches of learning.

(2) Section 6 of the Act, as re-enacted by subsection (1), is repealed and the following substituted:

Degrees, etc.

6 The University may confer degrees, including honorary degrees, and award certificates and diplomas in any and all branches of learning.

2 The Schedule to the Act is repealed.

ONTARIO COLLEGE OF ART & DESIGN UNIVERSITY ACT, 2002

3 (1) Subsection 4 (2) of the *Ontario College of Art & Design University Act, 2002* is repealed and the following substituted:

Degrees, diplomas

(2) The University may confer,

- (a) the diploma of Associate of the Ontario College of Art & Design University; and
- (b) the degrees of,
 - (i) Bachelor of Arts, Bachelor of Fine Arts and Bachelor of Design,
 - (ii) Master of Arts, Master of Fine Arts and Master of Design, and
 - (iii) Doctor of Philosophy in respect of a program in Arts, Fine Arts or Design.

(2) Subsection 4 (2) of the Act, as re-enacted by subsection (1), and subsection 4 (3) are repealed and the following substituted:

Degrees, etc.

(2) Subject to subsection (3), the University may confer degrees, including honorary degrees, and award certificates and diplomas in any and all branches of learning.

Same

(3) The authority of the University to confer credentials under subsection (2) shall be exercised in a manner consistent with the objects of the University set out in section 3.

COMMENCEMENT

Commencement

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

SCHEDULE 6
MINISTRY OF ECONOMIC DEVELOPMENT, JOB CREATION AND TRADE
PARTNERSHIPS FOR JOBS AND GROWTH ACT, 2014

1 The *Partnerships for Jobs and Growth Act, 2014* is repealed.

COMMENCEMENT

Commencement

2 This Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

**SCHEDULE 7
MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES**

CITY OF TORONTO ACT, 2006

1 The definition of “local body” in subsection 15 (5) of the *City of Toronto Act, 2006* is amended by striking out “an area services board, local services board” and substituting “a local services board”.

MINING ACT

2 Subsection 52 (2.1) of the *Mining Act* is amended by striking out “certified” and substituting “filed”.

3 The French version of section 124 of the Act is amended by striking out “constables” and substituting “agents de police”.

4 (1) The definition of “closed out” in subsection 139 (1) of the Act is amended by adding “filed” before “closure plan”.

(2) The definition of “closure plan” in subsection 139 (1) of the Act is repealed and the following substituted:

“closure plan” means a plan prepared under this Part to rehabilitate a site or mine hazard; (“plan de fermeture”)

(3) The definition of “rehabilitate” in subsection 139 (1) of the Act is amended by striking out “measures, including protective measures, taken” in the portion before clause (a) and substituting “to take measures, including protective measures”.

5 Subsection 139.1 (2) is amended by striking out “being subject to a closure plan” and substituting “a filed closure plan”.

6 The heading before section 140 and sections 140 and 141 of the Act are repealed and the following substituted:

ADVANCED EXPLORATION AND MINE PRODUCTION — CLOSURE PLANS

Advanced exploration

140 (1) No proponent shall commence advanced exploration unless the following conditions have been satisfied:

1. The proponent has given a Notice of Project Status to the Director in the prescribed manner and within the prescribed time period, if any.
2. If the Director has required the proponent, within 45 days after receiving the notice under paragraph 1, to give public notice of the advanced exploration, the proponent has given public notice at the prescribed time and in the prescribed manner.
3. The Director is satisfied that appropriate consultation with Aboriginal communities has been carried out in accordance with the regulations, which may include taking into account arrangements that have been reached with Aboriginal communities potentially affected by the advanced exploration.
4. After the conditions set out in paragraphs 2 and 3 have been met, the proponent has submitted to the Director a closure plan that,
 - i. includes financial assurance as required under this Act and the regulations, and
 - ii. meets any other prescribed requirements.
5. The proponent has received written confirmation from the Director that the closure plan has been filed.

Filing or returning closure plan

(2) No later than 45 days after a proponent has submitted a closure plan, the Director shall,

- (a) file the closure plan and give the proponent written confirmation that the closure plan has been filed as of the date of the written confirmation; or
- (b) decide not to file the closure plan and return it to the proponent for resubmission, if the submitted closure plan does not meet the requirements of this Act and the regulations.

Mine production

141 (1) No proponent shall commence mine production unless the following conditions have been satisfied:

1. The proponent has given a Notice of Project Status to the Director in the prescribed manner and within the prescribed time period, if any.
2. The proponent has given public notice at the prescribed time and in the prescribed manner.

3. The Director is satisfied that appropriate consultation with Aboriginal communities has been carried out in accordance with the regulations, which may include taking into account arrangements that have been reached with Aboriginal communities potentially affected by the mine production.
4. After the conditions set out in paragraphs 2 and 3 have been met, the proponent has submitted to the Director a closure plan that,
 - i. includes financial assurance as required under this Act and the regulations, and
 - ii. meets any other prescribed requirements.
5. The proponent has received written confirmation from the Director that the closure plan has been filed.

Filing or returning closure plan

- (2) No later than 45 days after a proponent has submitted a closure plan, the Director shall,
- (a) file the closure plan and give the proponent written confirmation that the closure plan has been filed as of the date of the written confirmation; or
 - (b) decide not to file the closure plan and return it to the proponent for resubmission, if the submitted plan does not meet the requirements of this Act and the regulations.

Recommencing after suspension, inactivity

141.1 (1) This section applies in respect of a proponent who has a filed closure plan under section 140 or 141 for a project if the project has been in a state of temporary suspension or inactivity.

Prohibition

- (2) A proponent mentioned in subsection (1) shall not recommence the advanced exploration or mine production after the temporary suspension or inactivity unless the following conditions have been met:
1. The proponent has given a new Notice of Project Status and, if applicable, a Notice of Material Change to the Director, in the prescribed manner and within the prescribed time period, if any.
 2. An amendment to the filed closure plan, if required under section 143, has been filed in accordance with that section.

Compliance with filed closure plan

141.2 A proponent who has a filed closure plan or a filed amendment to a closure plan shall comply with the closure plan or the closure plan as amended, as the case may be.

7 The heading before section 143 and section 143 of the Act are repealed and the following substituted:

AMENDMENTS, CHANGES TO CLOSURE PLANS

Amendments proposed by proponent

143 (1) A proponent shall not undertake advanced exploration or mine production activities that are not included in and consistent with the proponent's filed closure plan for the project unless the following conditions have been satisfied:

1. The proponent has given a Notice of Material Change to the Director in the prescribed manner.
2. If the Director has required the proponent, within 45 days after receiving the notice under paragraph 1, to give public notice of the proposed amendment, the proponent has given public notice at the prescribed time and in the prescribed manner.
3. The Director is satisfied that appropriate consultation with Aboriginal communities has been carried out in accordance with the regulations, which may include taking into account arrangements that have been reached with Aboriginal communities potentially affected by the activities.
4. After the conditions set out in paragraphs 2 and 3 have been met, the proponent has submitted to the Director an amendment to the closure plan that,
 - i. includes financial assurance as required under this Act and the regulations, and
 - ii. meets any prescribed requirements.
5. The proponent has received written confirmation from the Director that the amendment to the closure plan has been filed.

Amendments, ordered by Director

(2) The Director may at any time, by order, require that the proponent submit, within the time specified in the order and in accordance with the order, amendments to a filed closure plan or amendments to filed amendments to a closure plan, which may include requirements to increase the amount of financial assurance.

Filing or returning of amendment to closure plan

- (3) No later than 45 days after a proponent has submitted an amendment to a closure plan, the Director shall,
- (a) file the amendment and give the proponent written confirmation that the amendment has been filed as of the date of the written confirmation; or
 - (b) decide not to file the amendment and return it to the proponent for resubmission, if the submitted amendment does not meet the requirements of this Act and the regulations.

Specified changes by order

143.1 (1) The Director may at any time, by order, require changes to a filed closure plan or to filed amendments to a closure plan.

Same, mine hazard under s. 147 (1)

(2) If a change ordered under subsection (1) is to a closure plan for a mine hazard under subsection 147 (1) or to amendments to such a closure plan and the order requires that a new schedule for completing the rehabilitation of the mine hazard be submitted, the following rules apply:

1. The person affected by the order shall submit the new schedule immediately.
2. The portion of the order that requires the submission of a new schedule for completing the rehabilitation of the mine hazard shall not be,
 - i. referred to an independent third party under subsection (3), or
 - ii. appealed under clause 152 (1) (b).

Referral to independent third party

(3) Subject to paragraph 2 of subsection (2), if changes are required under subsection (1), in addition to appealing any of them to the Tribunal under clause 152 (1) (b), the proponent may, within 30 days after receiving the order requiring changes, notify the Director of the desire to have any of them that are not appealed to the Tribunal referred for a decision to an independent third party agreed upon by the proponent and the Director.

No agreement on third party

(4) If the proponent and the Director are unable to agree on an independent third party within 45 days after the Director receives the notice of referral under subsection (3), the proponent who wishes to dispute the changes may appeal to the Tribunal any of the changes that the proponent desired to have referred, despite the 30 day period provided for appeal in subsection 152 (2), within 75 days after sending the notice of referral, failing which the changes that are not appealed shall be deemed to be accepted by the proponent.

Costs

(5) All costs incurred by an independent third party in connection with any work performed pursuant to a referral shall be borne by the proponent.

Decision final

(6) The decision of an independent third party is final and binds the proponent and the Director, and an amendment to the closure plan shall be deemed to have been filed accordingly.

8 (1) Subsection 145 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Form and amount of financial assurance

(1) The financial assurance required as part of a closure plan shall be in one of the following forms and shall be in the amount specified in the closure plan or amendment to a closure plan submitted to the Director, as the case may be:

(2) Subsection 145 (2) of the Act is repealed and the following substituted:

Director's order

(2) If the Director has reasonable and probable grounds for believing that a rehabilitation measure required by a filed closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with the plan, he or she may, by order, provide for the performance of the rehabilitation measure in the manner set out in subsection (5).

(3) Clause 145 (4) (a) of the Act is amended by striking out "filed" and substituting "submitted".

9 Subsection 147 (1) of the Act is amended by striking out "to file within the time specified in the order a certified closure plan to rehabilitate the mine hazard, and the proponent or prior holder shall file the certified closure plan" and

substituting “to submit within the time specified in the order a closure plan to rehabilitate the site or mine hazard and the proponent or prior holder shall submit the closure plan”.

10 (1) Subsection 152 (1) of the Act is repealed and the following substituted:

- (1) A proponent may appeal to the Tribunal,
 - (a) an order requiring the submission of a closure plan under subsection 147 (1);
 - (b) an order requiring changes to a filed closure plan or to filed amendments to a closure plan under section 143.1; or
 - (c) an order for the performance of rehabilitation measures under subsection 145 (2).
- (2) **Subsection 152 (5) of the Act is amended by striking out “changes to a closure plan or to amendments to a closure plan” and substituting “changes to a filed closure plan or to filed amendments to a closure plan”.**
- (3) **Subsection 152 (6) of the Act is amended by striking out “changes to a closure plan or to amendments to a closure plan” and substituting “changes to a filed closure plan or to filed amendments to a closure plan”.**

11 (1) Subsection 153.2 (3) of the Act is amended by striking out “in accordance with a closure plan or, where no closure plan has been filed, with the prescribed standards for rehabilitation, the Director may order the proponent to comply with the closure plan” and substituting “in accordance with a filed closure plan or, where no closure plan has been filed, with the prescribed standards for rehabilitation, the Director may order the proponent to comply with the filed closure plan”.

(2) Subsection 153.2 (6) of the Act is repealed and the following substituted:

Transfer of closure plan

(6) A proponent may transfer a filed closure plan to another person if the Director has consented in writing to the transfer and the transfer is carried out in accordance with such terms and conditions as the Director specifies in writing.

12 (1) Clause 164 (2) (a) of the Act is amended by striking out “submitted” and substituting “filed, made or submitted”.

(2) Clause 164 (2) (b) of the Act is amended by striking out “filed or made” and substituting “filed, made or submitted”.

13 Subsection 176 (2) of the Act is amended by adding the following paragraph:

15. governing transitional matters arising from the enactment of Schedule 7 to the *Better for People, Smarter for Business Act, 2019* that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of the amendments to this Act made by that Schedule.

MUNICIPAL ACT, 2001

14 (1) The definition of “local body” in subsection 19 (4) of the *Municipal Act, 2001* is amended by striking out “an area services board, local services board” and substituting “a local services board”.

(2) The definition of “local board” in clause 269 (1) (b) of the Act is amended by striking out “an area services board” at the beginning.

(3) Subsection 338 (2) of the Act is amended by adding “or” at the end of clause (c), by striking out “or” at the end of clause (d) and by striking out clause (e).

NORTHERN SERVICES BOARDS ACT

15 (1) Part II of the *Northern Services Boards Act* is repealed.

(2) Ontario Regulation 331/99 (Support for a Proposal to Establish an Area Services Board) made under the Act is revoked.

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT, 2006

16 Paragraph 5 of subsection 5 (1) of the *Ontario Municipal Employees Retirement System Act, 2006* is repealed.

COMMENCEMENT

Commencement

17 (1) Subject to subsection (2), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

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

SCHEDULE 8
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
ENVIRONMENTAL PROTECTION ACT

1 (1) The definition of “administrative penalty” in subsection 1 (1) of the *Environmental Protection Act* is amended by striking out “182.3” at the end and substituting “182.1 or 182.4”.

(2) The definition of “environmental penalty” in subsection 1 (1) of the Act is repealed.

(3) The definition of “Minister” in subsection 1 (1) of the Act is repealed and the following substituted:

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

(4) The definition of “regulated person” in subsection 1 (1) of the Act is repealed.

2 Clause 4 (1) (h) of the Act is amended by striking out “under Part VIII”.

3 Clause 9 (3) (f) of the Act is amended by striking out “Part III” at the end and substituting “section 75.1 of the *Highway Traffic Act* or any other vehicle that uses or incorporates a motor as a source of power”.

4 (1) Subsection 14 (1) of the Act is amended by striking out “if the discharge causes or may cause an adverse effect” at the end and substituting “if the discharge causes or is likely to cause an adverse effect.”

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

Exception

(2) Subsection (1) does not apply to a discharge of a contaminant that arises when animal wastes are disposed of in accordance with normal farming practices, if the only adverse effect that is caused or that is likely to be caused by the discharge is an adverse effect referred to in clause (a) of the definition of “adverse effect” in subsection 1 (1).

5 Part III of the Act is repealed.

6 Subsection 143 (1) of the Act is amended by adding “or” after clause (b) and by striking out clause (c).

7 (1) Subsection 145.4 (1) of the Act is repealed.

(2) Subsection 145.4 (1.1) of the Act is amended by striking out “182.3 (13) (b)” and substituting “182.1 (14) (c)”.

(3) Subsection 145.4 (2) of the Act is amended by striking out “Subject to subsection (1)” at the beginning and by striking out “an environmental penalty or”.

8 Section 145.5 of the Act is repealed.

9 Clauses 156 (1) (f) and (g) of the Act are repealed.

10 (1) Clause 157 (1) (b) of the Act is revoked and the following substituted:

(b) a provision of an order under this Act, other than an order under section 99.1, 100.1 or 150, an order to pay an administrative penalty or an order of a court;

(2) Subsection 157 (1) of the Act is amended by adding “or” at the end of clause (c) and by adding the following clause:

(d) with respect to such programs under this Act relating to resource recovery or waste as the Minister may specify in a written direction under clause 24 (1) (c) of the *Resource Recovery and Circular Economy Act, 2016*, subsections 41 (5) and 50 (4) of that Act and any other prescribed provision of that Act.

(3) Subsection 157 (1.1) of the Act is repealed.

(4) Subsection 157 (2) of the Act is amended by adding “and” at the end of clause (b) and by striking out clause (b.1).

11 Clause 162.3 (6) (a) of the Act is amended by striking out “environmental penalty” and substituting “administrative penalty”.

12 Subsections 166 (2) to (5) of the Act are repealed.

13 Section 172 of the Act is repealed.

14 Subsection 175.1 (1) of the Act is amended by adding the following clause:

(b.1) regulating the quality of fuels and additives used or intended for use in fuels in Ontario;

15 (1) Clause 176 (1) (u) of the Act is amended by striking out “water where” and substituting “water, places where”.

(2) Subsections 176 (2) and (2.1) of the Act are repealed.

16 Section 182.1 of the Act is repealed and the following substituted:

Administrative penalties

182.1 (1) The purpose of an administrative penalty issued under this Act is,

- (a) to ensure compliance with this Act; and
- (b) to prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of non-compliance with this Act.

Order by Director, provincial officer

(2) If the Director or, in the circumstances prescribed by the regulations, a provincial officer, is of the opinion that a person has committed a contravention prescribed by the regulations, the Director or provincial officer, as the case may be, may issue an order requiring the person to pay an administrative penalty in respect of the contravention.

Prescribed contraventions

(3) For the purposes of subsection (2), a prescribed contravention may be in respect of,

- (a) a provision of this Act or the regulations;
- (b) a provision of an order under this Act;
- (c) a term or condition of an environmental compliance approval, certificate of property use, renewable energy approval, licence or permit under this Act; or
- (d) with respect to such programs under this Act relating to resource recovery or waste as the Minister may specify in a written direction under clause 24 (1) (c) of the *Resource Recovery and Circular Economy Act, 2016*, subsections 41 (5) and 50 (4) of that Act and any other prescribed provision of that Act.

Limitation

(4) An order mentioned in subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to the attention of a provincial officer or the Director.

Orders, corporations

(5) If the person who has contravened a provision or a term or condition referred to in subsection (3) is a corporation, the order shall not be issued to an employee, officer, director or agent of the corporation unless the circumstances prescribed by the regulations, if any, exist.

Amount of penalty

(6) The amount of the administrative penalty shall be determined by the Director or the provincial officer, as the case may be, in accordance with the regulations.

Total penalty

(7) Subject to subsection (8), the total amount of the administrative penalty shall not exceed \$200,000 for each contravention.

Same, monetary benefit

(8) The total amount of the administrative penalty referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

Contents of order

(9) An order mentioned in subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide information to the person as to the person's right to require,
 - (i) a hearing under section 140, if the order is issued by the Director, or
 - (ii) a review under section 182.4, if the order is issued by a provincial officer.

Absolute liability

(10) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or

- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Payment prevents conviction

(11) A person who pays an administrative penalty in respect of a contravention prescribed by the regulations for the purposes of this subsection shall not be convicted of an offence under this Act in respect of the same contravention.

Contraventions where conviction not prevented

(12) With respect to a contravention, other than a contravention to which subsection (11) applies, a person may be charged, prosecuted and convicted of an offence under this Act in respect of that contravention, regardless of whether the person has paid an administrative penalty in respect of and has remedied that contravention and, for greater certainty, nothing in subsection (10) affects the prosecution of the offence.

No admission

(13) If a person pays an administrative penalty in respect of a contravention, the payment is not, for the purposes of any prosecution in respect of the contravention, an admission that the person committed the contravention.

Regulations

- (14) The Lieutenant Governor in Council may make regulations,
- (a) specifying the form and content of orders under this section;
 - (b) prescribing circumstances in which a provincial officer is authorized or prohibited from issuing an order under subsection (2);
 - (c) governing the determination of the amounts of administrative penalties, for individuals and for corporations, including providing the maximum amount the Director or a provincial officer, as the case may be, may determine under subsection (6);
 - (d) prescribing circumstances in which a person is not required to pay an administrative penalty;
 - (e) prescribing procedures related to administrative penalties;
 - (f) governing the payment of interest and late payment penalties, including prescribing how the amounts of interest and late payment penalties are determined;
 - (g) respecting any matter necessary for the administration of the system of administrative penalties.

17 (1) Subsections 182.2 (1) and (2) of the Act are repealed and the following substituted:

Special purpose account

(1) Administrative penalties paid under this Act shall be deposited in a separate account in the Consolidated Revenue Fund.

Same

(2) For the purpose of the *Financial Administration Act*, money deposited in the account referred to in subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

(2) Subsection 182.2 (3) of the Act is repealed and the following substituted:

Payments out of account

(3) If money is deposited in the account referred to in subsection (1), the Minister may direct that money be paid out of the account for the following purposes:

1. To provide financial support for activities that relate to the protection and conservation of the natural environment.
2. To provide financial support for activities that improve awareness of issues relating to the protection and conservation of the natural environment.
3. Such other purposes as may be prescribed by the regulations.

18 Section 182.3 of the Act is repealed and the following substituted:

Annual report

182.3 (1) The Minister shall, not later than March 31 in each year, publish a report that sets out the following information for each contravention in respect of which an order was made during the previous calendar year under a provision listed in subsection (2):

1. The name of the person against whom the order was made.
2. A description of the contravention.

3. The amount of the penalty.

Provisions

(2) For the purposes of subsection (1), the following provisions are listed:

1. Sections 182.1 and 182.4.
2. Sections 40 and 40.1 of the *Nutrient Management Act, 2002*.
3. Sections 106.1 and 106.3 of the *Ontario Water Resources Act*.
4. Sections 41.1 and 41.2 of the *Pesticides Act*.
5. Sections 121 and 121.1 of the *Safe Drinking Water Act, 2002*.

19 Subsection 182.4 (6) of the Act is amended by striking out “182.3 (13) (b)” and substituting “182.1 (14) (c)”.

20 (1) Subsection 186 (1.1) of the Act is repealed.

(2) Subsection 186 (2) of the Act is amended by striking out “99.1, 100.1, 150 or 182.1” and substituting “99.1, 100.1 or 150 or an order to pay an administrative penalty”.

(3) Subsection 186 (5) of the Act is amended by striking out “environmental penalty” at the end and substituting “administrative penalty”.

21 Subsection 188.1 (6) of the Act is repealed and the following substituted:

Administrative penalties

(6) If an order is made requiring a person to pay an administrative penalty in respect of a contravention and the person is also convicted of an offence in respect of the same contravention, the court, in determining a penalty under section 187, shall consider the order to pay the penalty to be a mitigating factor and, if subsection 187 (4) or (5) applies, may impose a fine of less than the minimum fine provided for in the applicable subsection.

22 Clause 190.1 (5) (b) of the Act is amended by striking out “environmental penalty” and substituting “administrative penalty”.

23 Clause 190.2 (6) (a) of the Act is amended by striking out “environmental penalty” and substituting “administrative penalty”.

24 (1) Clause 194 (1) (f) of the Act is amended by striking out “99.1, 100.1, 150 or 182.1” and substituting “99.1, 100.1 or 150 or an order to pay an administrative penalty”.

(2) Subsection 194 (1.1) of the Act is repealed.

NUTRIENT MANAGEMENT ACT, 2002

25 Section 2 of the *Nutrient Management Act, 2002* is amended by adding the following definition:

“administrative penalty” means a penalty imposed under section 40 or 40.1; (“pénalité administrative”)

26 Subsection 10 (1) of the Act is amended by adding “or an order in respect of an administrative penalty” at the end.

27 Section 11 of the Act is amended by adding the following subsections:

Order to pay an administrative penalty

(1.1) For greater certainty, if a hearing by the Tribunal is required under this section in relation to an order to pay an administrative penalty, the regulations made under clause 40 (14) (c) governing the determination of the amounts of administrative penalties apply to the Tribunal.

Same

(1.2) If a hearing by the Tribunal is required under this section in relation to an order to pay an administrative penalty, the Tribunal shall not substitute its opinion for that of the Director with respect to the amount of the penalty unless the Tribunal considers the amount to be unreasonable.

28 Section 40 of the Act is repealed and the following substituted:

Administrative penalties

40 (1) The purpose of an administrative penalty issued under this Act is,

- (a) to ensure compliance with this Act; and
- (b) to prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of non-compliance with this Act.

Order by Director, Provincial Officer

(2) If the Director or, in the circumstances prescribed by the regulations, a provincial officer, is of the opinion that a person has committed a contravention prescribed by the regulations, the Director or provincial officer, as the case may be, may issue an order requiring the person to pay an administrative penalty in respect of the contravention.

Prescribed contraventions

(3) For the purposes of subsection (2), a prescribed contravention may be in respect of,

- (a) a provision of this Act or the regulations;
- (b) a provision of an order under this Act; or
- (c) a term or condition of a certificate, licence, or approval under this Act.

Limitation

(4) An order mentioned in subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to the attention of a provincial officer or the Director.

Orders, corporations

(5) If the person who has contravened a provision or a condition referred to in subsection (3) is a corporation, the order shall not be issued to an employee, officer, director or agent of the corporation unless the circumstances prescribed by the regulations, if any, exist.

Amount of penalty

(6) The amount of the administrative penalty shall be determined by the Director or the provincial officer, as the case may be, in accordance with the regulations.

Total penalty

(7) Subject to subsection (8), the total amount of the administrative penalty shall not exceed \$10,000 for each contravention.

Same, monetary benefit

(8) The total amount of the administrative penalty referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the same contravention.

Contents of order

(9) An order mentioned in subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide information to the person as to the person's right to require,
 - (i) a hearing under section 9, if the order is issued by the Director, or
 - (ii) a review under section 40.1, if the order is issued by a provincial officer.

Absolute liability

(10) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Payment prevents conviction

(11) A person who pays an administrative penalty in respect of a contravention prescribed by the regulations for the purposes of this subsection shall not be convicted of an offence under this Act in respect of the same contravention.

Contraventions where conviction not prevented

(12) With respect to a contravention, other than a contravention to which subsection (11) applies, a person may be charged, prosecuted and convicted of an offence under this Act in respect of that contravention, regardless of whether the person has paid an administrative penalty in respect of and has remedied that contravention and, for greater certainty, nothing in subsection (10) affects the prosecution of the offence.

No admission

(13) If a person pays an administrative penalty in respect of a contravention, the payment is not, for the purposes of any prosecution in respect of the contravention, an admission that the person committed the contravention.

Regulations

- (14) The Lieutenant Governor in Council may make regulations,
- (a) specifying the form and content of orders under this section;
 - (b) prescribing circumstances in which a provincial officer is authorized or prohibited from issuing an order under subsection (2);
 - (c) governing the determination of the amounts of administrative penalties, for individuals and for corporations, including providing the maximum amount the Director or a provincial officer, as the case may be, may determine under subsection (6);
 - (d) prescribing circumstances in which a person is not required to pay an administrative penalty;
 - (e) prescribing procedures related to administrative penalties;
 - (f) governing the payment of interest and late payment penalties, including prescribing how the amounts of interest and late payment penalties are determined;
 - (g) respecting any matter necessary for the administration of the system of administrative penalties.

Review of administrative penalty imposed by provincial officer

40.1 (1) A person who is required by an order issued by a provincial officer to pay an administrative penalty may, within seven days after being served with the order, request that the Director review the order.

Request for review

- (2) A request for a review shall be made in writing and shall include,
- (a) a statement of whether the review applies to the liability to pay the penalty, the amount of the penalty or both;
 - (b) any submissions that the person requesting the review wishes the Director to consider; and
 - (c) for the purposes of subsection (7), an address for service by mail, fax or such other means of service as the regulations may prescribe.

Stay

(3) If a person requests a review, the requirement to pay the administrative penalty is stayed until the disposition of the matter.

Decision of Director

- (4) A Director who receives a request for a review may,
- (a) revoke the order of the provincial officer; or
 - (b) by order directed to the person who requested the review, confirm or alter the order of the provincial officer.

Same

(5) For the purposes of subsection (4), the Director may substitute his or her opinion for that of the provincial officer.

Amount of penalty

(6) For greater certainty, if the review applies to the amount of the penalty, the regulations made under clause 40 (14) (c) apply for the purposes of the review.

Notice of decision

- (7) The Director shall serve a person requesting a review with a copy of,
- (a) the Director's decision or order under subsection (4); and
 - (b) if the Director issues an order under clause (4) (b), the reasons for the order.

Automatic confirmation of order

(8) If the Director does not comply with subsection (7) within seven days after receiving a request for a review, the order in respect of which the review was requested shall be deemed to have been confirmed by order of the Director.

Same

- (9) For the purposes of section 9, a deemed confirmation by order of the Director under subsection (8) shall be,
- (a) deemed to be directed to the person to whom the order of the provincial officer was directed; and

- (b) deemed to have been served on the person mentioned in clause (a) on the last day of the time period mentioned in subsection (8).

Exception

(10) Subsections (8) and (9) do not apply if, within seven days after receiving the request for a review, the Director gives written notice to the person requesting the review stating that the Director requires additional time to make a decision.

Regulations

(11) The Lieutenant Governor in Council may make regulations specifying the form and content of orders under this section.

Failure to pay administrative penalty when required

40.2 If a person who is required to pay an administrative penalty fails to comply with the requirement,

- (a) the order that requires payment may be filed with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court;
- (b) the Director may, by order, suspend any certificate, licence or approval issued to the person under this Act until the administrative penalty is paid; and
- (c) the Director may refuse to issue any certificate, licence or approval to the person or refuse to renew any certificate, licence or approval issued to the person under this Act until the administrative penalty is paid.

Special purpose account

40.3 Administrative penalties paid under this Act shall be deposited in the account referred to in section 182.2 of the *Environmental Protection Act*.

29 Clause 43 (1) (c) of the Act is amended by adding “other than an order in respect of an administrative penalty or an order to pay costs under section 36” at the end.

ONTARIO WATER RESOURCES ACT

30 (1) Subsection 1 (1) of the *Ontario Water Resources Act* is amended by adding the following definition:

“administrative penalty” means a penalty imposed under section 106.1 or 106.3; (“pénalité administrative”)

(2) The definition of “environmental penalty” in subsection 1 (1) of the Act is repealed.

(3) The definition of “Minister” in subsection 1 (1) of the Act is repealed and the following substituted:

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

(4) The definition of “regulated person” in subsection 1 (1) of the Act is repealed.

31 Subsection 16 (2) of the Act is amended by adding “and” at the end of clause (b) and by striking out clause (b.1).

32 Clause 21.3 (6) (a) of the Act is amended by striking out “environmental penalty” and substituting “administrative penalty”.

33 Subsection 34 (2) of the Act is amended by adding the following paragraph:

4. The taking of water for the purpose of constructing or operating a dam within the meaning of the *Lakes and Rivers Improvement Act* if the dam is associated with the production of electricity.

34 The Act is amended by adding the following section:

Minister’s regulation

76.1 The Minister may make regulations deeming a permit or all permits in a specified class to be revoked on a specified date, where the permit or permits in the class relate to water takings that are exempted from subsection 34 (1).

35 Clause 102 (1) (b) of the Act is amended by striking out “environmental penalty” at the end and substituting “administrative penalty”.

36 Section 102.1 of the Act is repealed and the following substituted:

Amount of administrative penalties

102.1 (1) For greater certainty, if a hearing by the Tribunal is required under section 100 in respect of an order to pay an administrative penalty, the regulations made under clause 106.1 (14) (c) governing the determination of the amounts of administrative penalties apply to the Tribunal.

Same

(2) Subject to subsection (1), if a hearing by the Tribunal is required under section 100 in respect of an order to pay an administrative penalty, the Tribunal shall not substitute its opinion for that of the Director with respect to the amount of the penalty unless the Tribunal considers the amount to be unreasonable.

37 Section 102.2 of the Act is repealed.**38 Sections 106.1 and 106.2 of the Act are repealed and the following substituted:****Administrative penalties**

106.1 (1) The purpose of an administrative penalty issued under this Act is,

- (a) to ensure compliance with this Act; and
- (b) to prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of non-compliance with this Act.

Order by Director, provincial officer

(2) If the Director or, in the circumstances prescribed by the regulations, a provincial officer, is of the opinion that a person has committed a contravention prescribed by the regulations, the Director or provincial officer, as the case may be, may issue an order requiring the person to pay an administrative penalty in respect of the contravention.

Prescribed contraventions

(3) For the purposes of subsection (2), a prescribed contravention may be in respect of,

- (a) a provision of this Act or the regulations;
- (b) a provision of an order, notice, direction, requirement or report under this Act; or
- (c) a term or condition of licence, permit or approval under this Act.

Limitation

(4) An order mentioned in subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to the attention of a provincial officer or the Director.

Orders, corporations

(5) If the person who has contravened a provision or a term or condition referred to in subsection (3) is a corporation, the order shall not be issued to an employee, officer, director or agent of the corporation unless the circumstances prescribed by the regulations, if any, exist.

Amount of penalty

(6) The amount of the administrative penalty shall be determined by the Director or the provincial officer, as the case may be, in accordance with the regulations.

Total penalty

(7) Subject to subsection (8), the total amount of the administrative penalty shall not exceed \$200,000 for each contravention.

Same, monetary benefit

(8) The total amount of the administrative penalty referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

Contents of order

(9) An order mentioned in subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide information to the person as to the person's right to require,
 - (i) a hearing under section 100, if the order is issued by the Director, or
 - (ii) a review under section 106.3, if the order is issued by a provincial officer.

Absolute liability

(10) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Payment prevents conviction

(11) A person who pays an administrative penalty in respect of a contravention prescribed by the regulations for the purposes of this subsection shall not be convicted of an offence under this Act in respect of the same contravention.

Contraventions where conviction not prevented

(12) With respect to a contravention, other than a contravention to which subsection (11) applies, a person may be charged, prosecuted and convicted of an offence under this Act in respect of that contravention, regardless of whether the person has paid an administrative penalty in respect of and has remedied that contravention and, for greater certainty, nothing in subsection (10) affects the prosecution of the offence.

No admission

(13) If a person pays an administrative penalty in respect of a contravention, the payment is not, for the purposes of any prosecution in respect of the contravention, an admission that the person committed the contravention.

Regulations

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

- (a) specifying the form and content of orders under this section;
- (b) prescribing circumstances in which a provincial officer is authorized or prohibited from issuing an order under subsection (2);
- (c) governing the determination of the amounts of administrative penalties, for individuals and for corporations, including providing the maximum amount the Director or a provincial officer, as the case may be, may determine under subsection (6);
- (d) prescribing circumstances in which a person is not required to pay an administrative penalty;
- (e) prescribing procedures related to administrative penalties;
- (f) governing the payment of interest and late payment penalties, including prescribing how the amounts of interest and late payment penalties are determined;
- (g) respecting any matter necessary for the administration of the system of administrative penalties.

Special purpose account

106.2 Administrative penalties paid under this Act shall be deposited in the account referred to in section 182.2 of the *Environmental Protection Act*.

Review of administrative penalty imposed by provincial officer

106.3 (1) A person who is required by an order issued by a provincial officer to pay an administrative penalty may, within seven days after being served with the order, request that the Director review the order.

Request for review

- (2) A request for a review shall be made in writing and shall include,
 - (a) a statement of whether the review applies to the liability to pay the penalty, the amount of the penalty or both;
 - (b) any submissions that the person requesting the review wishes the Director to consider; and
 - (c) for the purposes of subsection (7), an address for service by mail, fax or such other means of service as the regulations may prescribe.

Stay

(3) If a person requests a review, the requirement to pay the administrative penalty is stayed until the disposition of the matter.

Decision of Director

(4) A Director who receives a request for a review may,

- (a) revoke the order of the provincial officer; or
- (b) by order directed to the person who requested the review, confirm or alter the order of the provincial officer.

Same

(5) For the purposes of subsection (4), the Director may substitute his or her opinion for that of the provincial officer.

Amount of penalty

(6) For greater certainty, if the review applies to the amount of the penalty, the regulations made under clause 106.1 (14) (c) apply for the purposes of the review.

Notice of decision

- (7) The Director shall serve a person requesting a review with a copy of,
- (a) the Director's decision or order under subsection (4); and
 - (b) if the Director issues an order under clause (4) (b), the reasons for the order.

Automatic confirmation of order

(8) If the Director does not comply with subsection (7) within seven days after receiving a request for a review, the order in respect of which the review was requested shall be deemed to have been confirmed by order of the Director.

Same

- (9) For the purposes of section 100, a deemed confirmation by order of the Director under subsection (8) shall be,
- (a) deemed to be directed to the person to whom the order of the provincial officer was directed; and
 - (b) deemed to have been served on the person mentioned in clause (a) on the last day of the time period mentioned in subsection (8).

Exception

(10) Subsections (8) and (9) do not apply if, within seven days after receiving the request for a review, the Director gives written notice to the person requesting the review stating that the Director requires additional time to make a decision.

Regulations

(11) The Lieutenant Governor in Council may make regulations specifying the form and content of orders under this section.

Failure to pay administrative penalty when required

106.4 If a person who is required to pay an administrative penalty fails to comply with the requirement,

- (a) the order that requires payment may be filed with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court;
- (b) the Director may, by order, suspend any permit, licence or approval issued to the person under this Act until the administrative penalty is paid; and
- (c) the Director may refuse to issue any permit, licence or approval to the person or refuse to amend any permit, licence or approval issued to the person under this Act until the administrative penalty is paid.

39 Subsection 107 (6) of the Act is amended by striking out "environmental penalty" at the end and substituting "administrative penalty".

40 Subsection 110.1 (6) of the Act is repealed and the following substituted:

Administrative penalty

(6) If an order is made requiring a person to pay an administrative penalty in respect of a contravention and the person is also convicted of an offence in respect of the same contravention, the court, in determining a penalty under section 108 or 109, shall consider the order to pay the administrative penalty to be a mitigating factor and, if subsection 109 (2) or (3) applies, may impose a fine of less than the minimum fine provided for in the applicable subsection.

41 Clause 112.1 (5) (b) of the Act is amended by striking out "environmental penalty" and substituting "administrative penalty".

42 Clause 112.2 (6) (a) of the Act is amended by striking out "environmental penalty" and substituting "administrative penalty".

PESTICIDES ACT

43 (1) Subsection 1 (1) of the *Pesticides Act* is amended by adding the following definition:

"active ingredient" means, subject to subsection (1.1), a pesticide,

- (a) that is a component of a product that is a pesticide, and
- (b) to which the intended effects of the product are attributed; ("principe actif")

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

"administrative penalty" means a penalty imposed under section 41.1 or 41.2; ("pénalité administrative")

(3) The definition of “Committee” in subsection 1 (1) of the Act is repealed.

(4) The definition of “Minister” in subsection 1 (1) of the Act is repealed and the following substituted:

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

(5) Section 1 of the Act is amended by adding the following subsection:

(1.1) For the purposes of the definition of “active ingredient” in subsection (1), active ingredient includes a synergist but does not include a solvent, diluent, emulsifier or other component that is not primarily responsible for the intended effects mentioned in clause (b) of the definition.

44 Subsections 7.1 (1) to (4) of the Act are repealed and the following substituted:

Use for cosmetic purpose

(1) Subject to subsection (2), no person shall use or cause or permit the use in, on or over land of an active ingredient unless the active ingredient meets the following criteria:

1. The Director has determined, in accordance with the regulations, that the active ingredient is appropriate for use for a cosmetic purpose.
2. The Director has listed the active ingredient in a prescribed document, which may be amended from time to time, published by the Ministry and available on a website of the Government.

Exception, specified uses

(2) Subsection (1) does not apply to the following uses of an active ingredient:

1. Uses related to golf courses, if any prescribed conditions have been met.
2. Uses related to agriculture.
3. Uses related to forestry.
4. Uses related to the promotion of public health or safety.
5. Other prescribed uses, if any prescribed conditions have been met.

Same, requirements

(3) A person who uses or causes or permits the use of an active ingredient for a use referred to in subsection (2) shall, if the active ingredient does not meet the criteria set out in subsection (1), comply with such requirements as may be prescribed.

Prohibition on sale, etc.

(4) Despite section 6, no person shall sell, offer to sell or transfer a pesticide that may be used in, on or over land unless it has been prescribed for the purpose of this subsection.

45 Section 10 of the Act is repealed.

46 Paragraph 1 of subsection 16 (1) of the Act is repealed.

47 Subsection 24.3 (6) of the Act is repealed and the following substituted:

When relief not to be ordered

(6) The court shall not make an order for relief under subsection (5) in respect of a thing forfeited if the person applying for the relief has been,

- (a) served with an order requiring the person to pay an administrative penalty in connection with a matter that was associated with the seizure of the thing, unless the order has been revoked; or
- (b) charged with an offence that was associated with the seizure of the thing, unless the charge has been withdrawn or dismissed.

48 Clause 26.1 (1) (b) of the Act is repealed and the following substituted:

- (b) a provision of an order made under this Act, other than an order requiring the person to pay an administrative penalty;
or

49 (1) Paragraph 21 of subsection 35 (1) of the Act is repealed.

(2) Paragraph 38 of subsection 35 (1) of the Act is repealed and the following substituted:

38. governing a process for submitting a request to the Director for a determination of whether to list an active ingredient under subsection 7.1 (1);

(3) Subsection 35 (2) of the Act is repealed.

50 The Act is amended by adding the following sections:

Administrative penalties

41.1 (1) The purpose of an administrative penalty issued under this Act is,

- (a) to ensure compliance with this Act; and
- (b) to prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of non-compliance with this Act.

Order by Director, provincial officer

(2) If the Director or, in the circumstances prescribed by the regulations, a provincial officer, is of the opinion that a person has committed a contravention prescribed by the regulations, the Director or provincial officer, as the case may be, may issue an order requiring the person to pay an administrative penalty in respect of the contravention.

Prescribed contraventions

(3) For the purposes of subsection (2), a prescribed contravention may be in respect of,

- (a) a provision of this Act or the regulations;
- (b) a provision of an order under this Act; or
- (c) a term or condition of a licence or permit under this Act.

Limitation

(4) An order mentioned in subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to the attention of a provincial officer or the Director.

Orders, corporations

(5) If the person who has contravened a provision or a term or condition referred to in subsection (3) is a corporation, the order shall not be issued to an employee, officer, director or agent of the corporation unless the circumstances prescribed by the regulations, if any, exist.

Amount of penalty

(6) The amount of the administrative penalty shall be determined by the Director or the provincial officer, as the case may be, in accordance with the regulations.

Total penalty

(7) Subject to subsection (8), the total amount of the administrative penalty shall not exceed \$100,000 for each contravention.

Same, monetary benefit

(8) The total amount of the administrative penalty referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

Contents of order

(9) An order mentioned in subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide information to the person as to the person's right to require,
 - (i) a hearing under section 41.3, if the order is issued by the Director, or
 - (ii) a review under section 41.2, if the order is issued by a provincial officer.

Absolute liability

(10) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Payment prevents conviction

(11) A person who pays an administrative penalty in respect of a contravention prescribed by the regulations for the purposes of this subsection shall not be convicted of an offence under this Act in respect of the same contravention.

Contraventions where conviction not prevented

(12) With respect to a contravention, other than a contravention to which subsection (11) applies, a person may be charged, prosecuted and convicted of an offence under this Act in respect of that contravention, regardless of whether the person has paid an administrative penalty in respect of and has remedied that contravention and, for greater certainty, nothing in subsection (10) affects the prosecution of the offence.

No admission

(13) If a person pays an administrative penalty in respect of a contravention, the payment is not, for the purposes of any prosecution in respect of the contravention, an admission that the person committed the contravention.

Regulations

- (14) The Lieutenant Governor in Council may make regulations,
- (a) specifying the form and content of orders under this section;
 - (b) prescribing circumstances in which a provincial officer is authorized or prohibited from issuing an order under subsection (2);
 - (c) governing the determination of the amounts of administrative penalties, for individuals and for corporations, including providing the maximum amount the Director or a provincial officer, as the case may be, may determine under subsection (6);
 - (d) prescribing circumstances in which a person is not required to pay an administrative penalty;
 - (e) prescribing procedures related to administrative penalties;
 - (f) governing the payment of interest and late payment penalties, including prescribing how the amounts of interest and late payment penalties are determined;
 - (g) respecting any matter necessary for the administration of the system of administrative penalties.

Review of administrative penalty imposed by provincial officer

41.2 (1) A person who is required by an order issued by a provincial officer to pay an administrative penalty may, within seven days after being served with the order, request that the Director review the order.

Request for review

- (2) A request for a review shall be made in writing and shall include,
- (a) a statement of whether the review applies to the liability to pay the penalty, the amount of the penalty or both;
 - (b) any submissions that the person requesting the review wishes the Director to consider; and
 - (c) for the purposes of subsection (7), an address for service by mail, fax or such other means of service as the regulations may prescribe.

Stay

(3) If a person requests a review, the requirement to pay the administrative penalty is stayed until the disposition of the matter.

Decision of Director

- (4) A Director who receives a request for a review may,
- (a) revoke the order of the provincial officer; or
 - (b) by order directed to the person who requested the review, confirm or alter the order of the provincial officer.

Same

(5) For the purposes of subsection (4), the Director may substitute his or her opinion for that of the provincial officer.

Amount of penalty

(6) For greater certainty, if the review applies to the amount of the penalty, the regulations made under clause 41.1 (14) (c) apply for the purposes of the review.

Notice of decision

- (7) The Director shall serve a person requesting a review with a copy of,
- (a) the Director's decision or order under subsection (4); and

(b) if the Director issues an order under clause (4) (b), the reasons for the order.

Automatic confirmation of order

(8) If the Director does not comply with subsection (7) within seven days after receiving a request for a review, the order in respect of which the review was requested shall be deemed to have been confirmed by order of the Director.

Same

(9) For the purposes of section 41.3, a deemed confirmation by order of the Director under subsection (8) shall be,

- (a) deemed to be directed to the person to whom the order of the provincial officer was directed; and
- (b) deemed to have been served on the person mentioned in clause (a) on the last day of the time period mentioned in subsection (8).

Exception

(10) Subsections (8) and (9) do not apply if, within seven days after receiving the request for a review, the Director gives written notice to the person requesting the review stating that the Director requires additional time to make a decision.

Regulations

(11) The Lieutenant Governor in Council may make regulations specifying the form and content of orders under this section.

Hearing may be required

41.3 (1) A person who is required to pay an administrative penalty may, within 15 days after service of the order on the person, by a written notice served on the Director and the Tribunal, require the Tribunal to hold a hearing with respect to the matter to which the notice relates and, in such case, the requirement to pay is stayed until the disposition of the matter.

Tribunal's powers on hearing

(2) At a hearing by the Tribunal in respect of an order to pay an administrative penalty, the Tribunal shall determine whether in the circumstances, the order should be confirmed, revoked or amended.

Amount of administrative penalties

(3) For greater certainty, if a hearing by the Tribunal is required under this section in respect of an order to pay an administrative penalty, the regulations made under clause 41.1 (14) (c) governing the determination of the amounts of administrative penalties apply to the Tribunal.

Same

(4) Subject to subsection (3), if a hearing by the Tribunal is required under this section in respect of an order to pay an administrative penalty, the Tribunal shall not substitute its opinion for that of the Director with respect to the amount of the penalty unless the Tribunal considers the amount to be unreasonable.

Extension of time for requiring hearing

(5) The Tribunal shall extend the time in which a person may give a notice under subsection (1) requiring a hearing where, in the Tribunal's opinion, it is just to do so because service of the order on the person did not give the person notice of the order or decision.

Contents of notice requiring hearing

(6) An applicant for a hearing by the Tribunal shall state in the notice requiring the hearing,

- (a) the portions of the order in respect of which the hearing is required; and
- (b) the grounds on which the applicant for the hearing intends to rely at the hearing.

Effect of contents of notice

(7) Except with leave of the Tribunal, at a hearing by the Tribunal an applicant is not entitled to appeal a portion of the order or to rely on a ground that is not stated in the applicant's notice requiring the hearing.

Leave by Tribunal

(8) The Tribunal may grant the leave referred to in subsection (7) where the Tribunal is of the opinion that to do so is proper in the circumstances, and the Tribunal may give such directions as the Tribunal considers proper consequent upon the granting of the leave.

Failure to pay administrative penalty when required

41.4 If a person who is required to pay an administrative penalty fails to comply with the requirement,

- (a) the order that requires payment may be filed with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court;

- (b) the Director may, by order, suspend any permit or licence issued to the person under this Act until the administrative penalty is paid; and
- (c) the Director may refuse to issue any permit or licence to the person or refuse to renew any permit or licence issued to the person under this Act until the administrative penalty is paid.

Special purpose account

41.5 Administrative penalties paid under this Act shall be deposited in the account referred to in section 182.2 of the *Environmental Protection Act*.

51 Subsection 42 (2) of the Act is repealed and the following substituted:

Offence, orders

(2) Every person who fails to comply with an order, other than an order requiring the person to pay an administrative penalty under this Act, is guilty of an offence.

52 Subsection 46.1 (5) of the Act is repealed and the following substituted:

No restitution to person who committed offence

(5) The court shall not make an order for restitution in favour of any person on account of damage that is the result of,

- (a) the commission of an offence by the person; or
- (b) a contravention in respect of which an order has been served on the person requiring the person to pay an administrative penalty, unless the order has been revoked.

53 Subsection 46.2 (6) of the Act is repealed and the following substituted:

When relief not to be ordered

(6) The court shall not make an order for relief under subsection (5) in respect of a thing forfeited if the person applying for the relief has been,

- (a) served with an order requiring the person to pay an administrative penalty in connection with a matter that was associated with the seizure of the thing, unless the order has been revoked; or
- (b) charged with an offence that was associated with the seizure of the thing, unless the charge has been withdrawn or dismissed.

RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016

54 The definition of “Minister” in section 1 of the *Resource Recovery and Circular Economy Act, 2016* is amended by striking out “Environment and Climate Change” and substituting “Environment, Conservation and Parks”.

55 Section 24 of the Act is repealed and the following substituted:

Authority’s objects

24 (1) The Authority’s objects are,

- (a) to perform the duties and exercise the powers given to the Authority under this Act or any other Act;
- (b) to provide information relating to resource recovery or waste in Ontario, the Authority’s activities and the Acts and regulations in respect of which the Authority has duties or powers;
- (c) with respect to such programs relating to resource recovery or waste as the Minister may specify in a written direction,
 - (i) to prepare for the performance of duties and exercise of powers in respect of registration, information management, reporting and fee collection and any related matters, and
 - (ii) to perform those duties and exercise those powers; and
- (d) such other objects as may be prescribed.

Minister’s direction, subs. (1) (c)

(2) For greater certainty and without limiting subclause (1) (c) (i), the Minister may specify programs in respect of which activities mentioned in that clause are, at the time the direction is given, carried out by a person other than the Authority, including the Crown.

Same, publication

(3) A written direction of the Minister mentioned in clause (1) (c), and any amendments to it, shall be made available to the public on the Registry.

56 Section 40 of the Act is repealed and the following substituted:

Contribution to defray costs

40 (1) Subject to subsection (2), the Minister may from time to time, by order, fix an amount to be paid by the Authority to defray the Crown's costs in respect of any Act or regulation in respect of which the Authority performs duties or exercises powers.

Same

(2) If the Crown's costs are in respect of an Act other than this Act or a regulation made under an Act other than this Act, the amount fixed under subsection (1) shall include the Crown's costs only in respect of portions of the Act or regulation that relate to a program in respect of which the Authority performs duties or exercises powers or that otherwise relate to the Authority's objects.

Costs

(3) The amount fixed under subsection (1) may include,

- (a) costs that are attributable to the oversight of the Authority under this Act, including costs associated with appeals to the Tribunal of orders issued under Part V;
- (b) with respect to programs mentioned in clause 24 (1) (c), costs relating to policy development, program implementation, compliance and enforcement; and
- (c) costs in respect of any objects prescribed under clause 24 (1) (d).

Forecast

(4) An order under subsection (1) may fix an amount based on costs that are expected to be incurred by the Crown if the order includes a process for reconciling the expected costs with actual costs incurred by the Crown.

Payment

(5) The Authority shall pay the amount to the Minister of Finance in accordance with the terms of the order.

57 (1) Subsection 41 (2) of the Act is amended by adding "Subject to any prescribed requirements" at the beginning.

(2) Subsection 41 (3) of the Act is repealed.

58 (1) Paragraph 1 of subsection 50 (2) of the Act is amended by striking out "and" at the end of subparagraph ii and by striking out subparagraph iii and substituting the following:

- iii. by or on behalf of a person who is required to submit information in relation to a program mentioned in clause 24 (1) (c),
- iv. by or on behalf of a person who is required to submit information in respect of an object prescribed under clause 24 (1) (d), and
- v. under any other Act.

(2) Paragraph 2 of subsection 50 (2) of the Act is repealed and the following substituted:

- 2. Subject to the regulations, to provide public access to information submitted under paragraph 1, other than commercially sensitive information.

(3) Section 50 of the Act is amended by adding the following subsection:

Requirements re information, fees, etc.

(3.1) The Registry may be operated in such a manner that it may require a person to do one or both of the following before the person is able to complete the submission of information to the Authority:

- 1. Provide additional information.
- 2. Pay a fee, cost or charge set by the Authority under section 41.

59 Subsection 52 (1) of the Act is amended by adding "forms and" before "procedures".

60 Section 53 of the Act is amended by adding the following subsection:

Same, compliance and enforcement

(1.1) In addition to complying with subsection (1), the Authority shall, in accordance with any procedures set out in the operating agreement under section 28, provide the Minister with such information as the Authority believes may be relevant to any compliance or enforcement activities that the Crown may consider undertaking in respect of information required to be submitted to the Authority.

61 Subsection 57 (4) of the Act is amended by striking out clauses (a) and (b) and substituting the following:

- (a) a proceeding under this Act;

- (b) a proceeding under any other Act that relates to the Authority's objects; or
- (c) an appeal or a judicial review relating to a proceeding described in clause (a) or (b).

62 The Act is amended by adding the following section:

Non-application of provisions of Part re s. 24 (1) (c)

76.1 (1) Sections 78, 79, 81, 86 and 89 do not apply in respect of any matter related to a program mentioned in clause 24 (1) (c), including any requirement to pay a fee, cost or charge in respect of such a matter.

Same re s. 24 (1) (d)

(2) Unless the regulations provide otherwise, sections 78, 79, 81, 86 and 89 do not apply in respect of any matter related to an object prescribed under clause 24 (1) (d), including any requirement to pay a fee, cost or charge in respect of such a matter.

63 (1) Clause 105 (d) of the Act is repealed and the following substituted:

- (d) subject to subsection (2), prescribing requirements for fees, costs or charges;

(2) Section 105 of the Act is amended by adding the following subsection:

Regulations re fees, etc.

(2) A regulation made under clause (1) (d) in respect of fees, costs or charges that are unrelated to the objects of the Authority under clause 24 (1) (c) or (d) may prescribe requirements only for the portion of those fees, costs or charges that is related to amounts payable under section 40.

SAFE DRINKING WATER ACT, 2002

64 (1) Subsection 2 (1) of the *Safe Drinking Water Act, 2002* is amended by adding the following definition:

“administrative penalty” means a penalty imposed under section 121 or 121.1; (“pénalité administrative”)

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

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

65 Clause 98 (2) (a) of the Act is repealed and the following substituted:

- (a) has been served with an order requiring the person to pay an administrative penalty in connection with a matter that was associated with the seizure of the thing, unless the order has been revoked; or

66 Clause 105 (1) (b) of the Act is amended by adding “other than an order requiring the person to pay an administrative penalty” before “or”.

67 Subsection 117 (2) of the Act is amended by adding “or section 121.1” after “section 121”.

68 The Act is amended by adding the following sections:

Administrative penalties

121 (1) The purpose of an administrative penalty issued under this Act is,

- (a) to ensure compliance with this Act; and
- (b) to prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of non-compliance with this Act.

Order by Director, Provincial Officer

(2) If the Director or, in the circumstances prescribed by the regulations, a provincial officer is of the opinion that a person has committed a contravention prescribed by the regulations, the Director or provincial officer, as the case may be, may issue an order requiring the person to pay an administrative penalty in respect of the contravention.

Prescribed contraventions

(3) For the purposes of subsection (2), a prescribed contravention may be in respect of,

- (a) a provision of this Act or the regulations;
- (b) a provision of an order under this Act; or
- (c) a term or condition of a permit, licence, certificate or approval under this Act.

Limitation

(4) An order mentioned in subsection (2) shall be served not later than one year after the day on which evidence of the contravention first came to the attention of a provincial officer or the Director.

Orders, corporations

(5) If the person who has contravened a provision or a term or condition referred to in subsection (3) is a corporation, the order shall not be issued to an employee, officer, director or agent of the corporation unless the circumstances prescribed by the regulations, if any, exist.

Amount of penalty

(6) The amount of the administrative penalty shall be determined by the Director or the provincial officer, as the case may be, in accordance with the regulations.

Total penalty

(7) Subject to subsection (8), the total amount of the administrative penalty shall not exceed \$100,000 for each contravention.

Same, monetary benefit

(8) The total amount of the administrative penalty referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the same contravention.

Contents of order

(9) An order mentioned in subsection (2) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide information to the person as to the person's right to require,
 - (i) a hearing under section 129, if the order is issued by the Director, or
 - (ii) a review under section 121.1, if the order is issued by a provincial officer.

Absolute liability

(10) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Payment prevents conviction

(11) A person who pays an administrative penalty in respect of a contravention prescribed by the regulations for the purposes of this subsection shall not be convicted of an offence under this Act in respect of the same contravention.

Contraventions where conviction not prevented

(12) With respect to a contravention, other than a contravention to which subsection (11) applies, a person may be charged, prosecuted and convicted of an offence under this Act in respect of that contravention, regardless of whether the person has paid an administrative penalty in respect of and has remedied that contravention and, for greater certainty, nothing in subsection (10) affects the prosecution of the offence.

No admission

(13) If a person pays an administrative penalty in respect of a contravention, the payment is not, for the purposes of any prosecution in respect of the contravention, an admission that the person committed the contravention.

Regulations

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

- (a) specifying the form and content of orders under this section;
- (b) prescribing circumstances in which a provincial officer is authorized or prohibited from issuing an order under subsection (2);
- (c) governing the determination of the amounts of administrative penalties, for individuals and for corporations, including providing the maximum amount the Director or a provincial officer, as the case may be, may determine under subsection (6);
- (d) prescribing circumstances in which a person is not required to pay an administrative penalty;
- (e) prescribing procedures related to administrative penalties;

- (f) governing the payment of interest and late payment penalties, including prescribing how the amounts of interest and late payment penalties are determined;
- (g) respecting any matter necessary for the administration of the system of administrative penalties.

Review of administrative penalty imposed by provincial officer

121.1 (1) A person who is required by an order issued by a provincial officer to pay an administrative penalty may, within seven days after being served with the order, request that the Director review the order.

Request for review

- (2) A request for a review shall be made in writing and shall include,
 - (a) a statement of whether the review applies to the liability to pay the penalty, the amount of the penalty or both;
 - (b) any submissions that the person requesting the review wishes the Director to consider; and
 - (c) for the purposes of subsection (7), an address for service by mail, fax or such other means of service as the regulations may prescribe.

Stay

- (3) If a person requests a review, the requirement to pay the administrative penalty is stayed until the disposition of the matter.

Decision of Director

- (4) A Director who receives a request for a review may,
 - (a) revoke the order of the provincial officer; or
 - (b) by order directed to the person who requested the review, confirm or alter the order of the provincial officer.

Same

- (5) For the purposes of subsection (4), the Director may substitute his or her opinion for that of the provincial officer.

Amount of penalty

(6) For greater certainty, if the review applies to the amount of the penalty, the regulations made under clause 121 (14) (c) apply for the purposes of the review.

Notice of decision

- (7) The Director shall serve a person requesting a review with a copy of,
 - (a) the Director's decision or order under subsection (4); and
 - (b) if the Director issues an order under clause (4) (b), the reasons for the order.

Automatic confirmation of order

(8) If the Director does not comply with subsection (7) within seven days after receiving a request for a review, the order in respect of which the review was requested shall be deemed to have been confirmed by order of the Director.

Same

- (9) For the purposes of section 129, a deemed confirmation by order of the Director under subsection (8) shall be,
 - (a) deemed to be directed to the person to whom the order of the provincial officer was directed; and
 - (b) deemed to have been served on the person mentioned in clause (a) on the last day of the time period mentioned in subsection (8).

Exception

(10) Subsections (8) and (9) do not apply if, within seven days after receiving the request for a review, the Director gives written notice to the person requesting the review stating that the Director requires additional time to make a decision.

Regulations

(11) The Lieutenant Governor in Council may make regulations specifying the form and content of orders under this section.

Failure to pay administrative penalty when required

121.2 If a person who is required to pay an administrative penalty fails to comply with the requirement,

- (a) the order that requires payment may be filed with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court;
- (b) the Director may, by order, suspend any permit, licence, certificate or approval issued to the person under this Act until the administrative penalty is paid; and

- (c) the Director may refuse to issue any permit, licence, certificate or approval to the person or refuse to renew any permit, licence, certificate or approval issued to the person under this Act until the administrative penalty is paid.

Special purpose account

121.3 Administrative penalties paid under this Act shall be deposited in the account referred to in section 182.2 of the *Environmental Protection Act*.

69 Paragraphs 10, 11 and 12 of subsection 127 (1) of the Act are repealed and the following substituted:

10. A decision to issue an order, including an order to pay costs under section 122 and an order in respect of an administrative penalty.
11. A decision to confirm or amend an order made by a provincial officer, including a decision to confirm or amend an order in respect of an administrative penalty.

70 Clause 128 (1) (b) of the Act is repealed and the following substituted:

- (b) if the decision concerns an order, on the person to whom the order is issued.

71 Clause 129 (3) (a) of the Act is repealed and the following substituted:

- (a) the aspect of the decision, including the portion of the permit, licence, certificate, approval or order in respect of which the hearing is required; and

72 Clause 131 (1) (a) of the Act is repealed and the following substituted:

- (a) a decision in respect of an order to pay an administrative penalty; or

73 Subsections 132 (3) to (5) of the Act are repealed and the following substituted:

Exceptions

(3) Subsections (1) and (2) do not apply to a decision in relation to an order to pay an administrative penalty or an order to pay costs under section 122.

Order to pay an administrative penalty, powers of Tribunal

- (4) On a hearing in relation to an order to pay an administrative penalty, the Tribunal may,
- (a) confirm or revoke the order; or
 - (b) subject to subsection (6), vary the order.

Order to pay an administrative penalty

(5) For greater certainty, if a hearing by the Tribunal is required under this section in relation to an order to pay an administrative penalty, the regulations made under clause 121 (14) (c) governing the determination of the amounts of administrative penalties apply to the Tribunal.

Same

(6) If a hearing by the Tribunal is required under this section in relation to an order to pay an administrative penalty, the Tribunal shall not substitute its opinion for that of the Director with respect to the amount of the penalty unless the Tribunal considers the amount to be unreasonable.

74 Paragraph 1 of subsection 134 (2) of the Act is repealed and the following substituted:

1. A hearing in relation to an order to pay an administrative penalty.

75 Paragraph 1 of subsection 135 (3) of the Act is repealed and the following substituted:

1. A hearing in relation to an order to pay an administrative penalty.

76 Clause 148 (2) (b) of the Act is repealed and the following substituted:

- (b) a contravention in respect of which an order has been served on the person, requiring the person to pay an administrative penalty under this Act, unless the order has been revoked.

77 Clause 149 (6) (a) of the Act is repealed and the following substituted:

- (a) has been served with an order requiring the person to pay an administrative penalty in connection with a matter that was associated with the seizure of the thing, unless the order has been revoked; or

78 Subsection 167 (5) of the Act is repealed.

WASTE DIVERSION TRANSITION ACT, 2016

79 Section 35 of the *Waste Diversion Transition Act, 2016* is amended by adding the following subsections:

Distribution of remaining property

(5) If an industry funding organization develops a plan under section 14 with respect to a waste diversion program, nothing in this section prohibits the plan from providing for the distribution to the Authority by the industry funding organization, or a liquidator of the industry funding organization, of any property of the industry funding organization related to a designated waste or the program that remains after all liabilities of the industry funding organization in respect of the designated waste or the program have been satisfied.

Same

(6) If a distribution is made under subsection (5), the Authority shall use the property it receives to cover costs of the Authority under the *Resource Recovery and Circular Economy Act, 2016* related to the designated waste in respect of which the program was operated.

REPEAL AND COMMENCEMENT

More Homes, More Choice Act, 2019

80 Sections 2, 4, 5, 6, 7, 9, 10, 11, 12 and 13 of Schedule 7 to the *More Homes, More Choice Act, 2019* are repealed.

Commencement

81 (1) Subject to subsection (2), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

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

- 1. Sections 1 to 9.**
- 2. Subsections 10 (1), (3) and (4).**
- 3. Sections 11 to 16.**
- 4. Subsection 17 (1).**
- 5. Sections 18 to 24, 30 to 32 and 35 to 42.**
- 6. Subsections 43 (1), (3) and (5).**
- 7. Sections 44 to 46 and 49.**

**SCHEDULE 9
MINISTRY OF FINANCE**

INSURANCE ACT

1 The definition of “salesperson” in section 1 of the *Insurance Act* is repealed.

2 Subsection 25 (1) of the Act is repealed and the following substituted:

Information about insurers, etc.

Publication, notice of licence

(1) The Chief Executive Officer shall maintain an up-to-date list of the insurers licensed under this Act and shall publish the list on the website of the Authority.

Publication, notice of suspension etc.

(1.1) The Chief Executive Officer shall from time to time give notice of the suspension or cancellation or revival of a licence and shall publish the notices on the website of the Authority.

3 Subsection 43 (1.2) of the Act is repealed and the following substituted:

Publication of list

(1.2) The Chief Executive Officer shall publish on the website of the Authority a list of the classes of insurance authorized under subsection (1) as of the date of the list and shall publish on the website of the Authority notice of all additions to or deletions from the list as soon as practicable after making them.

4 Subsection 48 (6) of the Act is repealed.

5 Section 49 of the Act is amended by striking out “in The Ontario Gazette” and substituting “on the website of the Authority”.

6 Subsection 52 (1) of the Act is amended by striking out “an insurer incorporated after the 1st day of January, 1925 under any general or special Act of Ontario” and substituting “an insurer incorporated in Ontario”.

7 Section 65 of the Act is amended by striking out “in The Ontario Gazette” and substituting “on the website of the Authority”.

8 Subsection 227 (6) of the Act is amended by striking out “in The Ontario Gazette” and substituting “on the website of the Authority”.

9 Subsection 232 (7) of the Act is repealed and the following substituted:

Proof of terms of policy

(7) Where an insurer issues a certificate under subsection (5), proof of the terms of the policy may be given by production of a copy of the form of standard policy approved by the Chief Executive Officer accessed from the website of the Authority.

10 Subsection 267.2 (1) of the Act is amended by striking out “in The Ontario Gazette” in the portion before clause (a) and substituting “on the website of the Authority”.

11 Subsection 267.5 (8.5) of the Act is amended by striking out “in The Ontario Gazette” and substituting “on the website of the Authority”.

12 Section 268.1 of the Act is amended by striking out “in The Ontario Gazette” wherever it appears and substituting in each case “on the website of the Authority”.

13 Subsection 390 (8) of the Act is repealed and the following substituted:

Notice

(8) The Chief Executive Officer shall give notice of a suspension or revocation on the website of the Authority as soon as reasonably possible after the suspension or revocation and the notice shall remain posted on the website for 30 days.

14 (1) Clause 392.8 (1) (g) of the Act is amended by striking out “or an organization recognized under subsection 393 (14)”.

(2) Clause 392.8 (1) (j) of the Act is repealed and the following substituted:

(j) governing the discipline of agents;

15 Subsection 397 (1) of the Act is repealed and the following substituted:

Licences of insurance adjusters

(1) The Chief Executive Officer may, upon the payment of the fee established by the Minister and of any outstanding administrative penalty imposed under Part XVIII.1, issue to any suitable person a licence to act as an adjustor, but a person

licensed as an insurance agent under this Part or an insurance broker under the *Registered Insurance Brokers Act* shall not receive a licence to act as an insurance adjuster.

16 Subsection 399 (3) of the Act is amended by striking out “or the organization recognized under subsection 393 (14), as the case may be” at the end.

17 Section 400 of the Act is amended by striking out “or the organization recognized under subsection 393 (14), as the case may be” wherever it appears.

18 Section 407 of the Act is amended by striking out “or the organization recognized under subsection 393 (14), as the case may be”.

19 (1) Clause 447 (2) (a) of the Act is amended by striking out “or an organization recognized under subsection 393 (14)”.

(2) Clause 447 (2) (c) of the Act is amended by striking out “or to an organization recognized under subsection 393 (14)” at the end.

20 The following provisions of the Act are repealed:

1. Subsections 48 (1), (7.1) and (9).
2. Subsection 121 (2.1).
3. Paragraph 10 and subparagraph 16 i of subsection 121 (6).
4. Paragraph 44 and subparagraph 50 i of subsection 121.0.1 (1).
5. Subsection 121.4 (2).
6. Section 142.
7. Subsection 169 (8).
8. Subsection 392.8 (2).
9. Section 393.
10. Section 407.2.
11. Section 435.5.
12. Subsection 435.9 (1).
13. Subsection 448 (1.1).

Revocation

21 Ontario Regulation 121/08 (Investment and Lending Activities — Life Insurers) made under the Act is revoked.

PENSION BENEFITS ACT

22 Clauses 8 (1) (b) and (c) of the *Pension Benefits Act* are repealed and the following substituted:

- (b) a pension committee that is composed of,
- (i) representatives of members of the pension plan, or
 - (ii) one or more representatives of the employer or employers, or any person, other than the employer or employers, required to make contributions under the pension plan and one or more representatives of the members of the pension plan;
- (c) if the pension plan is a single employer jointly sponsored pension plan,
- (i) any person, body or entity referred to clause (b), (f) or (h), or
 - (ii) a board of trustees appointed pursuant to the pension plan or a trust agreement establishing the pension plan of whom one-half are representatives of the employer or employers and one-half are representatives of the members of the pension plan;

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

4. If a board of trustees is the administrator of a jointly sponsored pension plan, the powers and duties of the board.

24 Subsection 27 (3) of the Act is repealed and the following substituted:

Waiver of requirement

(3) The Chief Executive Officer may waive the requirement in subsection (2) in respect of a former member or retired member if the Chief Executive Officer is satisfied that the administrator of the pension plan is unable to locate the former member or retired member after making reasonable efforts to do so.

Factors to be considered

(4) For the purposes of subsection (3), in determining whether the administrator has made reasonable efforts to locate the former member or retired member, the Chief Executive Officer shall consider the following factors:

1. The amount or commuted value of the former member's deferred pension or the retired member's pension, as the case may be.
2. The searches that were undertaken by the administrator, including the search methods that were used.
3. The costs of the searches that were undertaken and the anticipated costs for additional searches.

Revocation of waiver

(5) A waiver of the requirement under subsection (2) in respect of a former member or retired member is revoked on the day on which the administrator receives the former member or retired member's contact information and, for clarity, the waiver continues to apply until it is revoked.

Duty to notify Chief Executive Officer

(6) The administrator of a pension plan shall promptly notify the Chief Executive Officer if the administrator receives the contact information of the former member or retired member in respect of whom the requirement under subsection (2) was waived.

25 Section 30.1 of the Act is repealed and the following substituted:**Electronic forms of delivery****Application**

30.1 (1) This section only applies to documents that this Act, the regulations or the Authority rules require the administrator of a pension plan to send.

Personal information

(2) The administrator shall not send a document in electronic form if the document contains personal information or any prescribed information, unless the administrator sends the document by way of a secure information system that,

- (a) requires the intended recipient to identify themselves prior to accessing the document; and
- (b) complies with any other prescribed conditions, requirements, limitations or prohibitions, including any requirements concerning methods of identification for the purpose of clause (a).

Notice re electronic form of delivery

(3) The administrator may send a notice to a member or former member by regular mail to his or her last known address, setting out,

- (a) the date on which the administrator will begin to send documents in an electronic form to the member or former member;
- (b) the last known email address of the member or former member;
- (c) a statement explaining that the member or former member may, at any time, instruct the administrator to send documents to him or her in a written form other than electronic form; and
- (d) any prescribed information.

Reminder notice upon retirement

(4) When a member or former member who was sent the notice referred to in subsection (3) becomes a retired member, the administrator shall send a further notice to the retired member, within a reasonable time, by regular mail to his or her last known address and also in an electronic form, setting out,

- (a) the last known email address of the retired member;
- (b) a statement reminding the retired member that he or she may, at any time, instruct the administrator to send documents to him or her in a written form other than electronic form; and
- (c) any prescribed information.

Instruction to use non-electronic form of delivery

(5) The member, former member or retired member who has received the notice referred to in subsection (3) may at any time instruct the administrator to send documents to him or her in a written form other than electronic form, in which case,

- (a) the administrator shall send the documents to him or her in a written form other than electronic form; and
- (b) subsection (4) does not apply with respect to him or her.

Deemed consent to electronic form of delivery

(6) The member, former member or retired member who has received the notice referred to in subsection (3) is deemed to consent to accept the documents in electronic form, unless the member, former member or retired member has instructed the administrator under subsection (5).

Prescribed requirements

(7) The administrator of a pension plan shall comply with such conditions, requirements, limitations or prohibitions as may be prescribed with respect to sending a document in electronic form.

26 (1) Subsection 65 (2) of the Act is amended by adding the following paragraphs:

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

.

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

(2) Subsection 65 (3) of the Act is amended by adding the following paragraphs:

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

.

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

27 (1) Subsection 66 (2) of the Act is amended by striking out “67.3, 67.4” and substituting “67.3, 67.3.1, 67.4, 67.4.1”.**(2) Subsection 66 (3) of the Act is amended by striking out “67.3, 67.4” and substituting “67.3, 67.3.1, 67.4, 67.4.1”.****(3) Subsection 66 (4) of the Act is amended by adding the following paragraphs:**

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

.

5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

28 Subsection 67 (1) of the Act is amended by adding the following paragraphs:

4.1 Section 67.3.1 (Transfer of lump sum from a successor pension plan for certain family law purposes).

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5.0.1 Section 67.4.1 (Division of pension from a successor pension plan for certain family law purposes).

29 Section 67.1 of the Act is amended by adding the following subsection:**Changes in membership status after family law valuation date**

(3) For greater certainty, sections 67.2 to 67.5 shall be interpreted so as to take into account any change to an individual’s status as a member, a former member or a retired member of a pension plan that occurs after the family law valuation date and, for that purpose, a reference to an individual in terms of their status in those sections is to be read as a reference to the relevant status of the individual and to the individual’s pension benefits, deferred pension or pension as of the date of any event or action that is relevant to the application of the provision.

30 The Act is amended by adding the following section:**Valuation for family law purposes, unavailability of benefits etc.****Application of section**

67.2.1 (1) This section applies if, on or after the family law valuation date of the member, former member or retired member and his or her spouse but before an application for a statement of imputed value under section 67.2 is complete, assets attributable to the member’s pension benefits, the former member’s deferred pension or the retired member’s pension, as the case may be, are transferred out of the plan or otherwise cease to be available as a result of such circumstances as may be prescribed.

Manner of obtaining statement of imputed value

(2) Section 67.2 applies in the circumstance referred to in subsection (1) with the modifications set out in the Authority rules or the regulations.

Authority's rules

(3) For the purposes of this section, the Authority may make rules in respect of the following matters:

1. Prescribing modifications to section 67.2 respecting the manner in which spouses referred to in subsection 67.2 (6) may obtain a statement of imputed value, including prescribing who is responsible for determining the imputed value of the member's pension benefits, the former member's deferred pension or the retired member's pension, as the case may be.
2. Prescribing any matters necessary to implement the modifications referred to in paragraph 1, including prescribing circumstances in which information must be provided to the spouse about the member's pension benefits, the former member's deferred pension or the retired member's pension, as the case may be, and the information that must be provided.
3. Prescribing the manner in which any matter referred to in section 67.2 in respect of which the Authority may make rules applies in the circumstance referred to in subsection (1), including prescribing different Authority rules than those prescribed for the purposes of section 67.2.

Regulations

(4) The regulations may prescribe the manner in which anything referred to in section 67.2 as being provided for in the regulations applies in the circumstance referred to in subsection (1), including prescribing different requirements than those prescribed for the purposes of section 67.2.

31 (1) Subsection 67.3 (5) of the Act is amended by striking out "permitted by regulation" at the end and substituting "prescribed".

(2) Subsection 67.3 (6) of the Act is amended by adding "or the Authority rules" after "regulations".

(3) Subsection 67.3 (8) of the Act is repealed and the following substituted:

Duty to adjust pension benefits, etc.

(8) Upon making the transfer, the administrator shall, in accordance with the regulations or the Authority rules, adjust the benefits and entitlements of the member, former member or retired member under the pension plan to take into account the transfer.

(4) Subsection 67.3 (10) of the Act is amended by striking out "member or former member" at the end and substituting "member, former member or retired member".

(5) Subsection 67.3 (12) of the Act is amended by striking out "member or former member" at the end and substituting "member, former member or retired member".

32 The Act is amended by adding the following section:

Transfer of lump sum from a successor pension plan for certain family law purposes

Application of section

67.3.1 (1) This section applies if, on or after the family law valuation date of a member or former member and his or her spouse but before an eligible spouse's application for a transfer of a lump sum under section 67.3 is complete, assets attributable to the member's pension benefits or the former member's deferred pension, as the case may be, are transferred to another pension plan.

Definitions

(2) In this section,

"original pension plan" means the pension plan whose assets include the assets referred to in subsection (1) on the family law valuation date; ("régime de retraite")

"successor pension plan" means the pension plan into which the assets referred to in subsection (1) have been transferred on or after the family law valuation date or any pension plan into which those assets have subsequently been transferred. ("régime de retraite subséquent")

Eligibility

(3) A spouse of a member, former member or retired member of the successor pension plan is eligible, in the situation referred to in subsection (1), to apply for an immediate transfer of a lump sum from the successor pension plan if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.

2. No payment of an instalment of the member's or former member's pension was due under the original pension plan on or before the family law valuation date.
3. A statement of the imputed value, for family law purposes, of the member's pension benefits or the former member's deferred pension under the original pension plan has been obtained under section 67.2 or 67.2.1.
4. The transfer is provided for by an order made under Part I (Family Property) of the *Family Law Act* or is authorized under a family arbitration award or domestic contract.
5. In the order, family arbitration award or domestic contract, the amount to be transferred as a lump sum is expressed,
 - i. as a specified amount, or
 - ii. as a proportion of the imputed value, for family law purposes, of the member's pension benefits or the former member's deferred pension under the original pension plan.

Application for transfer

(4) The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the successor pension plan for any of the following:

1. Transfer of a lump sum from the plan to another pension plan registered under the pension benefits legislation in any jurisdiction in Canada or provided by a government in Canada. This option is available only if the administrator of the other plan agrees to accept the transfer.
2. Transfer of a lump sum from the plan to a retirement savings arrangement prescribed for the purposes of paragraph 2 of subsection 67.3 (2).
3. Transfer of a lump sum to another prescribed arrangement.
4. Implementation of the transfer of a lump sum by leaving it in the plan to the credit of the eligible spouse. This option is available in such circumstances as may be prescribed and only if the administrator of the successor pension plan agrees to it.

Restrictions on transfers

(5) The transfer is subject to the restrictions set out in this section and to such other restrictions as may be prescribed.

Duty to transfer

(6) Once the application is complete, the administrator of the successor pension plan shall make the transfer within the prescribed period.

Transfer to eligible spouse's estate

(7) If the lump sum is not transferred under subsection (6) before the death of the eligible spouse, the lump sum is payable instead to the eligible spouse's estate or as otherwise prescribed.

Maximum percentage

(8) The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to the transfer of a lump sum that exceeds 50 per cent of the imputed value, for family law purposes, of the pension benefits or deferred pension under the original pension plan, as updated for the purposes of this subsection if the regulations or the Authority rules require the imputed value to be updated.

Partial transfer directly to spouse

(9) If the amount that would otherwise be transferred in accordance with the application is greater than the amount prescribed under the *Income Tax Act* (Canada) for such a transfer, the administrator of the successor pension plan shall pay the portion that exceeds the prescribed amount as a lump sum to the eligible spouse.

Duty to adjust pension benefits, etc.

(10) Upon making the transfer, the administrator of the successor pension plan shall, in accordance with the regulations or the Authority rules, adjust the benefits and entitlements under the successor pension plan of the member, former member or retired member, to take into account the transfer.

Discharge of administrator of successor pension plan

(11) In the absence of actual notice to the contrary, the administrator of the successor pension plan is entitled to rely upon the information provided by the spouse in the application and by the administrator of the original pension plan and is discharged upon making the transfer in accordance with the application and this section and making the adjustments required by subsection (10).

Effect of transfer

(12) Once the transfer is made in accordance with the application and this Act, the eligible spouse has no further claim against the successor pension plan in respect of the member, former member or retired member.

Orders for support

(13) This section does not affect any order for support enforceable in Ontario.

Priorities

(14) An entitlement to a transfer under this section prevails over any other entitlement under this Act to a payment from the successor pension plan in respect of the member, former member or retired member.

Same

(15) For the purposes of subsection (14), an entitlement to a transfer under this section arises on application by an eligible spouse.

33 (1) Subsection 67.4 (5) of the Act is amended by adding “or the Authority rules” after “regulations”.

(2) Subsection 67.4 (10) of the Act is amended by adding “and any additional prescribed rules” after “The following rules” at the beginning.

34 The Act is amended by adding the following section:

Division of pension from a successor pension plan for certain family law purposes**Application of section**

67.4.1 (1) This section applies if, on or after the family law valuation date of a retired member and his or her spouse but before any application for a division of the retired member’s pension under section 67.4 is complete, assets attributable to the retired member’s pension are transferred to another pension plan.

Definitions

(2) In this section,

“original pension plan” means the pension plan whose assets include the assets referred to in subsection (1) on the family law valuation date; (“premier régime de retraite”)

“successor pension plan” means the pension plan into which the assets referred to in subsection (1) have been transferred on or after the family law valuation date or any pension plan into which those assets have subsequently been transferred. (“régime de retraite subséquent”)

Eligibility

(3) A spouse of a retired member of a successor pension plan may, in the situation referred to in subsection (1), apply for the division of the retired member’s pension under the successor pension plan if all of the following circumstances exist:

1. The spouses are separated and there is no reasonable prospect that they will resume cohabitation.
2. Payment of the first instalment of the retired member’s pension was due under the original pension plan on or before the family law valuation date.
3. A statement of the imputed value, for family law purposes, of the retired member’s pension under the original pension plan has been obtained under section 67.2 or 67.2.1.
4. The division of the pension is provided for by an order made under Part I (Family Property) of the *Family Law Act* or is authorized under a family arbitration award or domestic contract.
5. In the order, family arbitration award or domestic contract, the amount of each pension instalment to be paid to the spouse is expressed,
 - i. as a specified amount, or
 - ii. as a proportion of the instalment otherwise payable to the retired member under the original pension plan.

Application for division and payment

(4) The eligible spouse may apply, in accordance with the prescribed requirements, to the administrator of the successor pension plan for division of the retired member’s pension and for payment of the eligible spouse’s share to him or her.

Restrictions

(5) The division and payment of the pension is subject to the restrictions set out in this section and to such other restrictions as may be prescribed.

Duties of administrator

(6) Once the application is complete, the administrator of the successor pension plan shall revalue the retired member's pension in the prescribed manner and begin the payments to the eligible spouse within the prescribed period.

Maximum percentage

(7) The order, family arbitration award or domestic contract is not effective to the extent that it purports to entitle the eligible spouse to a share that exceeds 50 per cent of the imputed value, for family law purposes, of the pension under the original pension plan, as updated for the purposes of this subsection if the regulations or the Authority rules require the imputed value to be updated.

Discharge of administrator of successor pension plan

(8) In the absence of actual notice to the contrary, the administrator of the successor pension plan is entitled to rely upon the information provided by the spouse in the application and by the administrator of the original pension plan and is discharged on revaluing the member's pension and making the payments to the eligible spouse in accordance with the application and this section.

Orders for support

(9) This section does not affect any order for support enforceable in Ontario.

Waiver of joint and survivor pension

(10) Despite subsection 46 (2), the eligible spouse may waive his or her entitlement to a joint and survivor pension under the successor pension plan after payment of the first instalment of the retired member's pension is due and before the pension is divided in accordance with this section.

No cancellation

(11) A waiver authorized by subsection (10) cannot be cancelled.

Special case, combining payments

(12) The following rules and any additional prescribed rules apply if the eligible spouse is entitled to a joint and survivor pension under the successor pension plan in respect of the retired member in addition to being entitled to payment of a share of the retired member's pension in accordance with this section:

1. The eligible spouse may make a written request, in the form approved by the Chief Executive Officer, to the administrator of the successor pension plan for payment of a single pension from the successor pension plan instead of payment of a share of the retired member's pension and payment of a joint and survivor pension.
2. If the pension plan so permits, the administrator of the successor pension plan may comply with the request.
3. When the eligible spouse begins to receive the single pension, he or she ceases to be entitled to payment of the share of the retired member's pension and to payment of the joint and survivor pension in respect of the retired member.

35 Subsection 67.5 (1) of the Act is amended by striking out "section 67.3 or 67.4" at the end and substituting "sections 67.3 to 67.4.1".

36 Section 80.4 of the Act is amended by adding the following subsections:

Same

(11.1) An employer may apply for the Chief Executive Officer's consent under subsection (11) before the jointly sponsored pension plan is registered under this Act. However, if the application for registration of the jointly sponsored pension plan is not received by the Chief Executive Officer within 90 days after the application for consent is made, the application for consent is deemed not to have been made.

Waiver or variation of certain provisions of the regulations

(12.1) The Chief Executive Officer may, if he or she considers it appropriate in the circumstances, waive or vary the application of,

- (a) any provision of the regulations that is made for the purposes of subsection (4), (5), (9) or (12); or
- (b) in the case of a transfer of assets to a pension plan that is registered as a jointly sponsored pension plan within nine months after the date an application under subsection (11) is made in respect of the transfer to the plan, any provision of the regulations that is referred to in clause (a) or that is made for the purposes of subsection (3), (13) or (17) of this section or subsection 79.2 (3), (4), (5), (6) or (7).

37 Section 81.0.1 of the Act is amended by adding the following subsection:

Waiver or variation of certain provisions of the regulations

(13.1) The Chief Executive Officer may, if he or she considers it appropriate in the circumstances, waive or vary the application of any provision of the regulations that is made for the purposes of subsection (5), (6), (10) or (13).

38 Section 112 of the Act is repealed and the following substituted:

Giving, serving or delivering a document

112 (1) Any notice, order or other document that is required to be given to, served on or delivered to a person under this Act, the regulations or the Authority rules is sufficiently given, served or delivered if it is,

- (a) delivered directly to the person;
- (b) sent by regular mail to the person's last known address;
- (c) sent by email to the person's last known email address; or
- (d) sent to the person in another electronic form.

Deemed receipt

(2) Subject to subsection (3),

- (a) a notice, order or other document sent under clause (1) (b) is deemed to have been received on the fifth business day after the day it was mailed; and
- (b) a notice, order or other document sent under clause (1) (c) or (d) is deemed to have been received on the first business day after the day it was sent.

Failure to receive document

(3) Subsection (2) does not apply if the person establishes that the person, acting in good faith, did not receive the notice, order or document or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

Consent to accept electronic document required

- (4) A notice, order or other document is not sufficiently given, served or delivered under clause (1) (c) or (d) unless the person,
 - (a) consents to accept it electronically; or
 - (b) is deemed to consent to accept it electronically under subsection 30.1 (6).

Implied consent

(5) Consent for the purposes of clause (4) (a) may be inferred from the person's conduct if there are reasonable grounds to believe that the consent is genuine and is relevant to the notice, order or other document.

Clarification

(6) For greater certainty, clauses (1) (c) and (d) are subject to subsection 30.1 (2).

Other means of giving or delivering a document

112.1 (1) The Chief Executive Officer may authorize a person to give or deliver a notice, document or reasonable notice of the contents of the notice or document by public advertisement or other means authorized by the Chief Executive Officer.

Condition

(2) Subsection (1) only applies where the Chief Executive Officer is of the opinion that it is not reasonable to give or deliver the notice or document to all or any of the recipients individually.

Deemed receipt

(3) The notice, document or the reasonable notice of the contents is deemed to have been received on the date on which the public advertisement is published or the date on which the other means referred to in subsection (1) are used.

39 (1) Subsection 115 (1) of the Act is amended by adding the following clause:

- (z.4) providing for any transitional matters that the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of the amendments to this Act made by sections 27 to 36 of Schedule 9 to the *Better for People, Smarter for Business Act, 2019*, including limiting the availability of a statement of imputed value under section 67.2.1, a lump sum transfer under section 67.3.1 or a division of a pension under section 67.4.1 in specified circumstances.

(2) Section 115 of the Act is amended by adding the following subsection:

Amendments to adopted codes, etc.

(3.1) The power to adopt by reference and require compliance with a code, formula, standard or procedure in subsection (3) includes the power to adopt a code, formula, standard or procedure as it may be amended from time to time after the regulation is made.

40 (1) Subsection 115.1 (1) of the Act is amended by adding the following paragraphs:

12.0.1 Prescribing information for the purposes of subsection 30.1 (2).

12.0.2 Prescribing conditions, requirements, limitations or prohibitions for the purposes of clause 30.1 (2) (b).

12.0.3 Prescribing information for the purposes of clause 30.1 (3) (d).

12.0.4 Prescribing information for the purposes of clause 30.1 (4) (c).

12.0.5 Prescribing conditions, requirements, limitations or prohibitions for the purposes of subsection 30.1 (7).

(2) Subsection 115.1 (1) of the Act is amended by adding the following paragraphs:

17.1 Prescribing circumstances for the purposes of subsection 67.2.1 (1).

17.2 Prescribing matters referred to in subsection 67.2.1 (3).

(3) Subsection 115.1 (1) of the Act is amended by adding the following paragraphs:

18.1 Prescribing circumstances for the purposes of paragraph 4 of subsection 67.3 (2).

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19.1 Prescribing an alternative manner for paying a lump sum for the purposes of subsection 67.3 (5).

19.2 Governing updating the imputed value of the pension benefits or deferred pension for the purposes of subsection 67.3 (6).

(4) Subsection 115.1 (1) of the Act is amended by adding the following paragraph:

19.3 Governing the manner in which benefits and entitlements under a pension plan are adjusted for the purposes of subsection 67.3 (8).

(5) Subsection 115.1 (1) of the Act is amended by adding the following paragraphs:

19.4 Governing applications for a transfer under subsection 67.3.1 (4).

19.5 Prescribing circumstances for the purposes of paragraph 4 of subsection 67.3.1 (4).

19.6 Prescribing, for the purposes of subsection 67.3.1 (6), the period of time within which the administrator must make a transfer.

19.7 Prescribing an alternative manner for paying a lump sum for the purposes of subsection 67.3.1 (7).

19.8 Governing updating the imputed value of the pension benefits or deferred pension for the purposes of subsection 67.3.1 (8).

19.9 Governing the manner in which benefits and entitlements under a pension plan are adjusted for the purposes of subsection 67.3.1 (10).

(6) Paragraph 21 of subsection 115.1 (1) of the Act is repealed and the following substituted:

21 Prescribing, for the purposes of subsection 67.4 (4),

i. the manner in which the administrator shall revalue the retired member's pension, including for the purposes of determining the amount of a single pension to be paid to a spouse under subsection 67.4 (10) but not including any actuarial methods or assumptions to be used in revaluing the pension, and

ii. the period of time within which the administrator must begin payments.

(7) Subsection 115.1 (1) of the Act is amended by adding the following paragraphs:

21.1 Governing updating the imputed value of a pension for the purposes of subsection 67.4 (5).

21.2 Prescribing additional rules for the purposes of subsection 67.4 (10).

(8) Subsection 115.1 (1) of the Act is amended by adding the following paragraphs:

21.3 Governing applications for a division and payment under subsection 67.4.1 (4).

21.4 Prescribing, for the purposes of subsection 67.4.1 (6),

- i. the manner in which the administrator shall revalue the retired member's pension, including for the purposes of determining the amount of a single pension to be paid to a spouse under subsection 67.4.1 (12) but not including any actuarial methods or assumptions to be used in revaluing the pension, and
- ii. the period of time within which the administrator must begin payments.

21.5 Governing updating the imputed value of a pension for the purposes of subsection 67.4.1 (7).

21.6 Prescribing additional rules for the purposes of subsection 67.4.1 (12).

CONSEQUENTIAL AMENDMENTS TO THE FAMILY LAW ACT

41 Subsection 10.1 (7) of the *Family Law Act* is amended by striking out “sections 67.3 and 67.4” and substituting “sections 67.3, 67.3.1, 67.4 and 67.4.1”.

42 Subsections 44 (1) and (2) of the Act are amended by striking out “Ontario Court (Provincial Division) or the Unified Family Court” wherever it appears and substituting in each case “Ontario Court of Justice or the Family Court of the Superior Court of Justice”.

43 Subsection 56.1 (4) of the Act is amended by striking out “sections 67.3 and 67.4” and substituting “sections 67.3, 67.3.1, 67.4 and 67.4.1”.

44 Subsection 59.4.1 (4) of the Act is amended by striking out “sections 67.3 and 67.4” and substituting “sections 67.3, 67.3.1, 67.4 and 67.4.1”.

COMMENCEMENT

Commencement

45 (1) Subject to subsection (2), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(2) Sections 2 to 5, 7 to 13 and 26 to 30, subsections 31 (3), (4) and (5), sections 32, 34 and 35, subsection 39 (1) and subsections 40 (2), (4), (5) and (8) and sections 41, 43 and 44 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 10
MINISTRY OF GOVERNMENT AND CONSUMER SERVICES**

BAILIFFS ACT

1 (1) The French version of the *Bailiffs Act* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 16.3 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 16.3 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 16.4 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

16.6 (1) An investigator who seizes any thing under the authority of section 16.3, 16.4 or 16.5 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 16.3, 16.4 or 16.5 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 16.3, 16.4 or 16.5 of this Act.

COLLECTION AND DEBT SETTLEMENT SERVICES ACT

2 (1) The French version of the *Collection and Debt Settlement Services Act* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 16 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 16 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 16.1 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

16.2.1 (1) An investigator who seizes any thing under the authority of section 16, 16.1 or 16.2 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 16, 16.1 or 16.2 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 16, 16.1 or 16.2 of this Act.

CONDOMINIUM MANAGEMENT SERVICES ACT, 2015

3 (1) Subsection 62 (11) of the *Condominium Management Services Act, 2015* is repealed and the following substituted:

Copies of seized items

(1) An investigator who seizes any thing under this section or section 63 may make a copy of it.

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

Report when things seized

64.1 (1) An investigator who seizes any thing under the authority of section 62, 63 or 64 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 62, 63 or 64 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 62, 63 or 64 of this Act.

CONSUMER PROTECTION ACT, 2002

4 (1) The French version of clause 107 (2) (a) of the *Consumer Protection Act, 2002* is amended by striking out “réceptacle” and substituting “contenant”.

(2) Clauses 107 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 107 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(1) An investigator who seizes any thing under this section or section 107.1 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

108.1 (1) An investigator who seizes any thing under the authority of section 107, 107.1 or 108 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 107, 107.1 or 108 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 107, 107.1 or 108 of this Act.

CONSUMER REPORTING ACT

5 (1) The French version of the *Consumer Reporting Act* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 18 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 18 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 18.1 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

18.3 (1) An investigator who seizes any thing under the authority of section 18, 18.1 or 18.2 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 18, 18.1 or 18.2 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 18, 18.1 or 18.2 of this Act.

ELECTRICITY ACT, 1998

6 (1) Subsection 113.14.1 (2) of the *Electricity Act, 1998* is amended by adding the following clause:

- (a.1) make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;

(2) Subsections 113.14.1 (11) and (12) of the Act are repealed and the following substituted:

Copies of seized items

(11) An investigator who seizes any thing under this section or section 113.14.3 may make a copy of it.

(3) Subsection 113.14.1 (13) of the Act is amended by striking out “an inspector” and substituting “an investigator”.

(4) Subsection 113.14.2 (4) of the Act is amended by striking out “Subsections 113.14.1 (6), (10), (11), (12) and (13)” at the beginning and substituting “Subsections 113.14.1 (3), (6), (10), (11) and (13)”.

(5) Subsection 113.14.3 (2) of the Act is repealed.

(6) The Act is amended by adding the following section:

Report when things seized

113.14.4 (1) An investigator who seizes any thing under the authority of section 113.14.1, 113.14.2 or 113.14.3 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 113.14.1, 113.14.2 or 113.14.3 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 113.14.1, 113.14.2 or 113.14.3 of this Act.

Exception

(3) Despite subsection (2), a justice of the peace shall order that an electrical product or device seized under the authority of section 113.14.1, 113.14.2 or 113.14.3 is not to be returned if the justice of the peace is satisfied on reasonable grounds that the electrical product or device was sold or offered for sale in contravention of this Part or the regulations.

FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

7 (1) The French version of sections 70 and 73 of the *Funeral, Burial and Cremation Services Act, 2002* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 70 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 70 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 70.1 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

71.1 (1) An investigator who seizes any thing under the authority of section 70, 70.1 or 71 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 70, 70.1 or 71 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 70, 70.1 or 71 of this Act.

HOME INSPECTION ACT, 2017

8 (1) Subsection 62 (11) of the *Home Inspection Act, 2017* is repealed and the following substituted:

Copies of seized items

(11) An investigator who seizes any thing under this section or section 63 may make a copy of it.

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

Report when things seized

64.1 (1) An investigator who seizes any thing under the authority of section 62, 63 or 64 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 62, 63 or 64 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 62, 63 or 64 of this Act.

LICENCE APPEAL TRIBUNAL ACT, 1999

9 Subsection 11 (1) of the *Licence Appeal Tribunal Act, 1999* is amended by striking out “Paperback and Periodical Distributors Act”.

MOTOR VEHICLE DEALERS ACT, 2002

10 (1) The French version of the *Motor Vehicle Dealers Act, 2002* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 19 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 19 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 19.1 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

20.1 (1) An investigator who seizes any thing under the authority of section 19, 19.1 or 20 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 19, 19.1 or 20 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 19, 19.1 or 20 of this Act.

NEW HOME CONSTRUCTION LICENSING ACT, 2017

11 (1) Subsection 61 (11) of the *New Home Construction Licensing Act, 2017* is repealed and the following substituted:

Copies of seized items

(11) An investigator who seizes any thing under this section or section 62 may make a copy of it.

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

Report when things seized

63.1 (1) An investigator who seizes any thing under the authority of section 61, 62 or 63 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 61, 62 or 63 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 61, 62 or 63 of this Act.

PAPERBACK AND PERIODICAL DISTRIBUTORS ACT

12 The *Paperback and Periodical Distributors Act* is repealed.

Revocation

13 Regulation 906 of the Revised Regulations of Ontario, 1990 (General) made under the Act is revoked.

PAYDAY LOANS ACT, 2008

14 (1) The French version of the *Payday Loans Act, 2008* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 49 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 49 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 50 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

51.1 (1) An investigator who seizes any thing under the authority of section 49, 50 or 51 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 49, 50 or 51 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 49, 50 or 51 of this Act.

PROTECTION FOR OWNERS AND PURCHASERS OF NEW HOMES ACT, 2017

15 (1) Subsection 58 (11) of the *Protection for Owners and Purchasers of New Homes Act, 2017* is repealed and the following substituted:

Copies of seized items

(11) An investigator who seizes any thing under this section or section 59 may make a copy of it.

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

Report when things seized

60.1 (1) An investigator who seizes any thing under the authority of section 58, 59 or 60 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 58, 59 or 60 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 58, 59 or 60 of this Act.

RESIDENTIAL COMPLEX SALES REPRESENTATION ACT

16 The *Residential Complex Sales Representation Act* is repealed.

TECHNICAL STANDARDS AND SAFETY ACT, 2000

17 (1) The French version of the *Technical Standards and Safety Act, 2000* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Subsection 22.1 (2) of the Act is amended by adding the following clause:

(a.1) make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;

(3) Subsections 22.1 (11) and (12) of the Act are repealed and the following substituted:

Copies of seized items

(11) An investigator who seizes any thing under this section or section 22.3 may make a copy of it.

(4) Subsection 22.2 (4) of the Act is amended by striking out “Subsections 22.1 (6), (10), (11), (12) and (13)” at the beginning and substituting “Subsections 22.1 (3), (6), (10), (11) and (13)”.

(5) Subsection 22.3 (2) of the Act is repealed.

(6) The Act is amended by adding the following section:

Report when things seized

22.4 (1) An investigator who seizes any thing under the authority of section 22.1, 22.2 or 22.3 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 22.1, 22.2 or 22.3 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 22.1, 22.2 or 22.3 of this Act.

Exception

(3) Despite subsection (2), a justice of the peace shall order that a thing seized under the authority of section 22.1, 22.2 or 22.3 is not to be returned if the justice of the peace is satisfied on reasonable grounds that the thing was sold or offered for sale in contravention of this Act or the regulations.

TICKET SALES ACT, 2017

18 (1) The French version of the *Ticket Sales Act, 2017* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 17 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 17 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 18 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

19.1 (1) An investigator who seizes any thing under the authority of section 17, 18 or 19 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 17, 18 or 19 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 17, 18 or 19 of this Act.

TRAVEL INDUSTRY ACT, 2002

19 (1) The French version of the *Travel Industry Act, 2002* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Clauses 20 (2) (b) to (d) of the Act are repealed and the following substituted:

- (b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;

- (c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;
- (d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and
- (e) to use any investigative technique or procedure or do anything described in the warrant.

(3) Subsections 20 (10) and (11) of the Act are repealed and the following substituted:

Compliance

(10) If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be.

Copies of seized items

(11) An investigator who seizes any thing under this section or section 20.1 may make a copy of it.

(4) The Act is amended by adding the following section:

Report when things seized

21.1 (1) An investigator who seizes any thing under the authority of section 20, 20.1 or 21 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 20, 20.1 or 21 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 20, 20.1 or 21 of this Act.

VINTNERS QUALITY ALLIANCE ACT, 1999

20 (1) The French version of the *Vintners Quality Alliance Act, 1999* is amended by striking out “réceptacle” wherever that expression appears and substituting in each case “contenant”.

(2) Subsection 8.1 (2) of the Act is amended by adding the following clauses:

- (a.1) make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;
- (a.2) conduct or take tests of anything described in the warrant, including tests that result in the thing tested being consumed or altered, and take and carry away samples from the testing;

(3) Subsection 8.1 (9) of the Act is repealed.

(4) Subsection 8.2 (3) of the Act is repealed.

(5) Subsection 8.3 (4) of the Act is amended by striking out “(9)”.

(6) The Act is amended by adding the following section:

Report when things seized

8.4 (1) An investigator who seizes any thing under the authority of section 8.1, 8.2 or 8.3 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized under the authority of section 8.1, 8.2 or 8.3 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 8.1, 8.2 or 8.3 of this Act.

COMMENCEMENT

Commencement

21 (1) Subject to subsections (2), (3) and (4), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(2) Section 8 comes into force on the later of the day subsection 62 (1) of Schedule 1 to the *Putting Consumers First Act (Consumer Protection Statute Law Amendment), 2017* comes into force and the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(3) Section 11 comes into force on the later of the day subsection 61 (1) of Schedule 1 to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(4) Section 15 comes into force on the later of the day subsection 58 (1) of Schedule 2 to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

**SCHEDULE 11
MINISTRY OF HEALTH
ONTARIO DRUG BENEFIT ACT**

1 Subsection 1.1 (3) of the *Ontario Drug Benefit Act* is repealed.

COMMENCEMENT

Commencement

2 This Schedule is deemed to have come into force on April 1, 2016.

SCHEDULE 12
MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES

PUBLIC LIBRARIES ACT

1 Clause 10 (1) (b) of the *Public Libraries Act* is amended by adding “or a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act (Canada)*” at the end.

2 Subsection 16 (1) of the Act is repealed and the following substituted:

Meetings

(1) A board shall hold at least seven regular meetings in each year.

COMMENCEMENT

Commencement

3 This Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

SCHEDULE 13
MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT

OCCUPATIONAL HEALTH AND SAFETY ACT

1 Section 4 of the *Occupational Health and Safety Act* is amended by striking out “34”.

2 Section 34 of the Act is repealed.

COMMENCEMENT

Commencement

3 This Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

SCHEDULE 14
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
BUILDING CODE ACT, 1992

1 (1) Subsection 27 (1) of the *Building Code Act, 1992* is amended by adding “by email to the last known email address of the person to whom service is required to be made” after “served personally”.

(2) Section 27 of the Act is amended by adding the following subsection:

Same

- (3) If a notice or order is served by email, the service shall be deemed to have been made on the day of sending unless,
- (a) the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or
 - (b) the person to whom the notice or order is given or that person’s agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

2 Subsections 34 (6) and (7) of the Act are repealed.

3 Section 34.1 of the Act is repealed.

STATUTE LABOUR ACT

4 The *Statute Labour Act* is amended by adding the following section:

Required information

38 (1) A road commissioner shall provide the Minister of Municipal Affairs and Housing with information designated by the Minister at the times and in the manner and form designated by the Minister.

Scope

(2) A designation by the Minister of Municipal Affairs and Housing under this section may be general or specific in its application.

Not regulation

(3) A designation by the Minister of Municipal Affairs and Housing under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

5 The Act is amended by adding the following section:

Minister’s order

39 The Minister of Municipal Affairs and Housing may, by order,

- (a) abolish statute labour and the office of road commissioner in an area over which a commissioner has jurisdiction; and
- (b) where the office of road commissioner is abolished, provide for the disposition of the assets and liabilities of the office of road commissioner as the Minister considers appropriate.

6 The Act is repealed.

COMPLEMENTARY AMENDMENTS

City of Toronto Act, 2006

7 The definition of “local body” in subsection 15 (5) of the *City of Toronto Act, 2006* is amended by striking out “statute labour board”.

Condominium Act, 1998

8 Clause 86 (1) (b) of the *Condominium Act, 1998* is amended by striking out “the *Local Roads Boards Act* or the *Statute Labour Act*” and substituting “or the *Local Roads Boards Act*”.

Municipal Act, 2001

9 The definition of “local body” in subsection 19 (4) of the *Municipal Act, 2001* is amended by striking out “statute labour board”.

Northern Services Boards Act

10 Subsection 4 (3) of the *Northern Services Boards Act* is amended by adding “and” at the end of clause (b), striking out “and” at the end of clause (c) and repealing clause (d).

Provincial Parks and Conservation Reserves Act, 2006

11 Subsection 28 (3) of the *Provincial Parks and Conservation Reserves Act, 2006* is amended by striking out “with the road commissioners elected under the Statute Labour Act or”.

Public Lands Act

12 (1) Subsection 29 (1) of the *Public Lands Act* is amended by striking out “or statute labour” at the end.

(2) The definition of “road” in section 48 of the Act is amended by striking out “a statute labour board or”.

Public Transportation and Highway Improvement Act

13 (1) Subsection 41 (5) of the *Public Transportation and Highway Improvement Act* is amended by striking out “or elect road commissioners and maintain it under the Statute Labour Act”.

(2) Subsection 90 (1) of the Act is amended by adding “or” at the end of clause (b) and by striking out clause (c).

Weed Control Act

14 (1) The definition of “area weed inspector” in section 1 of the *Weed Control Act* is amended by striking out “section 6” and substituting “section 6 or 11”.

(2) Subsection 11 (1) of the Act is repealed and the following substituted:

Inspectors in territory without municipal organization

(1) The Minister may appoint area weed inspectors in territory without municipal organization.

Same

(1.1) Area weed inspectors appointed under subsection (1) shall have the powers of an inspector.

(3) Subsection 11 (2) of the Act is amended by striking out “are collectable in the manner provided in the Statute Labour Act with respect to the enforcement of the payment of charges for statute labour or its commutation” at the end and substituting “may be recovered with costs as a debt due to the Crown”.

COMMENCEMENT**Commencement**

15 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(2) Section 5 comes into force on April 1, 2021.

(3) Sections 6 to 14 come into force on July 1, 2021.

SCHEDULE 15
MINISTRY OF NATURAL RESOURCES AND FORESTRY
AGGREGATE RESOURCES ACT

1 Subsection 6.1 (9) of the *Aggregate Resources Act* is repealed and the following substituted:

Posting report

(9) After submitting the report to the Minister, the Trust shall post the report on a publicly accessible website.

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

Exception

(1.1) Despite clause (1) (h), the Minister or the Local Planning Appeal Tribunal shall not have regard to ongoing maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site.

Same

(1.2) Subsection (1.1) applies to an application in respect of which no decision has been made by the Minister or the Local Planning Appeal Tribunal, as the case may be, on or before the day section 2 of Schedule 15 to the *Better for People, Smarter for Business Act, 2019* comes into force.

3 Section 12.1 of the Act is amended by adding the following subsection:

Exception

(1.1) If a zoning by-law prohibits a site in a part of Ontario designated under subsection 5 (2) from being used for the making, establishment or operation of pits and quarries, any restriction contained in the zoning by-law with respect to the depth of extraction at the site is inoperative.

4 Section 12.2 of the Act is repealed and the following substituted:

Conditions of licence

12.2 Upon issuing a licence, the Minister may attach such conditions to the licence as he or she considers necessary.

5 (1) Subsections 13 (1) to (3) of the Act are repealed and the following substituted:

Amendment to licence

Amendment by Minister

(1) The Minister may at any time add a condition to a licence, rescind or vary a condition of a licence or amend a licence in any other way.

Application by licensee

(2) A licensee may apply to the Minister at any time to have a condition added to the licence, to have a condition of the licence rescinded or varied or to have the licence amended in any other way.

Notice of amendment by Minister

(3) If the Minister proposes to amend a licence under subsection (1), he or she shall forthwith serve notice of the proposal, including reasons,

(a) on the licensee; and

(b) if, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, on the clerk of each municipality in which the site is located.

(2) Subsections 13 (1) to (3) of the Act, as re-enacted by subsection (1), are repealed and the following substituted:

Amendment to licence and site plans

Amendment by Minister

(1) The Minister may at any time,

(a) add a condition to a licence, rescind or vary a condition of a licence or amend a licence in any other way; or

(b) require a licensee to amend the site plan or to submit a new site plan.

Application by licensee

(2) A licensee may apply to the Minister at any time,

(a) to have a condition added to the licence, to have a condition of the licence rescinded or varied or to have the licence amended in any other way; or

(b) to request the Minister's written approval of an amendment to the site plan or of a new site plan.

Same

(3) A licensee shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee.

No amendments to site plans without approval

(3.1) A licensee shall not amend a site plan or prepare a new site plan without first obtaining the Minister's written approval.

Amendments

(3.2) Despite subsection (3.1), a licensee may make such amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee.

Preparation of site plan amendments

(3.3) An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the licensee's request under clause (2) (b) shall be prepared by the licensee in accordance with the regulations.

Notice of change

(3.4) If the Minister proposes to amend a licence under clause (1) (a) or require anything under clause (1) (b), he or she shall forthwith serve notice of the proposal, including reasons,

(a) on the licensee; and

(b) if, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, on the clerk of each municipality in which the site is located.

(3) Subsection 13 (4) of the Act is amended by striking out "subsection (3)" and substituting "subsection (3.4)".

(4) Subsection 13 (6) of the Act is amended by striking out "subsection (3)" and substituting "subsection (3.4)".

(5) Section 13 of the Act is amended by adding the following subsection:

Exception, no hearing required

(12) Despite subsection (6), a licensee is not entitled to a hearing under this section if the Minister adds a condition to the licence or varies a condition of the licence for the purpose of implementing a source protection plan under the *Clean Water Act, 2006*.

6 (1) The Act is amended by adding the following section:

Amendment re depth of extraction

Procedure, application for amendment

13.1 (1) This section applies if a licence or site plan does not allow extraction below the water table in an area and the licensee wishes to amend the licence or the site plan to lower the depth of extraction from above the water table to below the water table in that area.

Application

(2) The licensee may apply at any time to the Minister for an amendment to the licence or site plan and the following rules apply:

1. If there are no prescribed requirements and procedures in respect of the amendment, the licensee shall comply with the requirements and procedures that would apply under the regulations if the application were being made for a new licence.
2. If there are prescribed requirements and procedures in respect of the amendment, the licensee shall comply with the prescribed requirements and procedures.
3. If the application is in respect of an amendment to a site plan, subsections 16 (2), (3) and (4) apply.

Public record

(3) The name and address of any individual who participates in any prescribed notification and consultation procedures in respect of the application form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential.

Referral to Local Planning Appeal Tribunal

(4) The Minister may refer the application and any objections arising out of the notification and consultation procedures in respect of the amendment to the Local Planning Appeal Tribunal for a hearing, and may direct that the Local Planning Appeal Tribunal shall determine only the issues specified in the referral.

Same

(5) Subsections 11 (6) to (15) and section 12 apply, with necessary modifications, in respect of an application under this section and any reference to the issuing or refusal of a licence shall be read as a reference to the amending or refusal to amend a licence or a site plan, as the case may be.

(2) Subsection 13.1 (2) of the Act, as enacted by subsection (1), is repealed and the following substituted:

Same

(2) Subsections 13 (3), (3.1) and (3.3) apply in respect of the application.

7 (1) The Act is amended by adding the following section:

Expansion of boundaries

13.2 (1) Subject to subsection (2), the boundaries of the area subject to a licence, as specified in a site plan for the licence, may not be expanded unless an application for a new licence is made under section 7 to operate the pit or quarry in the proposed expansion area.

Amendment

(2) A licensee may apply to the Minister for an amendment of the licence and an amendment to the site plan to expand the boundaries of the area subject to the licence if,

- (a) the proposed expansion area is wholly within a portion of a road allowance directly adjacent to the boundaries of the area subject to the licence; and
- (b) the prescribed conditions, if any, are satisfied.

Same

(3) Sections 13 and 16 apply in respect of an application under subsection (2).

Meaning of road allowance

(4) For greater certainty, a road allowance under subsection (2) includes a road allowance that has been closed.

(2) Subsection 13.2 (3) of the Act, as enacted by subsection (1), is amended by striking out “Sections 13 and 16 apply” at the beginning and substituting “Section 13 applies”.

8 (1) Subsection 14 (5) of the Act is amended by adding “by order” after “waive”.

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

Same

(6) If a waiver has been ordered under subsection (5), the Minister may, by order, vary the percentage of the total of annual licence fees to be disbursed.

Conflict

(7) In the case of a conflict between a provision of this section or the regulations and an order of the Minister under subsection (5) or (6), the Minister’s order prevails.

9 Subsection 30.1 (5) of the Act is amended by striking out “minor”.

10 (1) Subsection 31.1 (5) of the Act is amended by adding “by order” after “waive”.

(2) Section 31.1 of the Act is amended by adding the following subsections:

Same

(6) If a waiver has been ordered under subsection (5), the Minister may, by order, vary the percentage of the total of permit fees to be disbursed.

Conflict

(7) In the case of a conflict between a provision of this section or the regulations and an order of the Minister under subsection (5) or (6), the Minister’s order prevails.

11 Section 34 of the Act is amended by adding the following subsection:

Inoperative by-law

(9) If a zoning by-law includes a prohibition against a site being used for the making, establishment or operation of pits and quarries, the prohibition is inoperative where the surface rights are the property of the Crown.

12 The Act is amended by adding the following section:

Expansion of boundaries

36.2 The boundaries of the area subject to a permit as specified in the site plan for the permit may not be expanded unless an application for a new permit is made under section 34 to operate the pit or quarry in the proposed expansion area.

13 Section 37 of the Act is repealed and the following substituted:

Conditions on permit

37 Upon issuing an aggregate permit, the Minister may attach such conditions to the permit as he or she considers necessary.

14 Section 37.1 of the Act is repealed and the following substituted:

Annual aggregate permit fee

37.1 (1) Every holder of an aggregate permit shall pay any prescribed annual permit fee within the time period that is determined in accordance with the regulations.

Payment of fee

(2) All permit fees payable under this section shall be paid to the Trust or to such entity or person as may be prescribed.

Disbursement of fees

(3) The Trust or other prescribed entity or person to whom the fees are paid under subsection (2) shall disburse all or part of the annual permit fees it receives under subsection (2) to such persons or entities as may be prescribed in accordance with the regulations.

Same

(4) The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations.

Waiver of fee

(5) The Minister may, by order, waive the requirement to pay all or part of an annual permit fee under this section.

Same

(6) If a waiver has been ordered under subsection (5), the Minister may, by order, vary the percentage of the total of annual permit fees to be disbursed.

Conflict

(7) In the case of a conflict between a provision of this section or the regulations and an order of the Minister under subsection (5) or (6), the Minister's order prevails.

15 The Act is amended by adding the following section:

Amendments to permits and site plans

Amendments by Minister

37.2 (1) Subject to sections 43 and 44, the Minister may at any time,

- (a) add a condition to an aggregate permit, rescind or vary a condition of an aggregate permit or amend an aggregate permit in any other way; or
- (b) require a permittee to amend the site plan or to submit a new site plan.

Application by permittee

(2) The holder of an aggregate permit may apply to the Minister at any time,

- (a) to have a condition added to the permit, to have a condition of the permit rescinded or varied or to have the permit amended in any other way; or
- (b) to request the Minister's written approval of an amendment to the site plan or of a new site plan.

Same

(3) The holder of an aggregate permit shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee.

No amendments to site plans without approval

(4) The holder of an aggregate permit shall not amend a site plan or prepare a new site plan without first obtaining the Minister's written approval.

Amendments

(5) Despite subsection (4), the holder of an aggregate permit may make such amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee.

Preparation of site plan amendments

(6) An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the permittee's request under clause (2) (b) shall be prepared by the permittee in accordance with the regulations.

16 Clause 44 (1.1) (a) of the Act is amended by striking out “37.2” and substituting “37.1”.

17 Subsection 66 (1) of the Act is amended by,

(a) striking out “provisions of licences and site plans” and substituting “provisions of licenses and permits and site plans”; and

(b) striking out “provisions of a licence or site plan” and substituting “provisions of a licence or permit or a site plan”

18 (1) Subsection 67 (1) of the Act is amended by adding the following clause:

(b.3) defining “below the water table” for the purposes of this Act;

(2) Subclause 67 (1) (e) (iii) of the Act is amended by striking out “minor”.

(3) Clause 67 (1) (f.1) of the Act is amended by adding “amendment” after “issuance”.

CROWN FOREST SUSTAINABILITY ACT, 1994

19 (1) The definition of “Crown charges” in section 3 of the *Crown Forest Sustainability Act, 1994* is amended by adding “or a permit” at the end.

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

“permit” means a permit issued under Part III.1; (“permis d’activité”)

“permittee” means the holder of a permit; (“titulaire de permis d’activité”)

20 (1) Subsection 11 (1) of the Act is repealed and the following substituted:

Amendment or extension of plan

(1) The Minister may at any time, in accordance with the Forest Management Planning Manual, amend or extend a forest management plan that the Minister previously approved.

(2) Subsection 11 (2) of the Act is amended by adding “or extension” after “amendment”.

(3) Subsection 11 (3) of the Act is repealed and the following substituted:

Deemed inclusion

(3) A forest management plan previously approved by the Minister under this Act is deemed to include the parts of any of the following that the Minister specifies:

1. An agreement entered into or a permit issued under the *Endangered Species Act, 2007*.
2. An agreement entered into for the purpose of subclause 55 (2) (f) (ii) of the *Endangered Species Act, 2007*.
3. A regulation made under section 18 of the *Endangered Species Act, 2007* prescribing forest operations conducted in a Crown forest as a regulated activity.
4. A regulation made under clause 55 (1) (b) of the *Endangered Species Act, 2007* exempting forest operations conducted in a Crown forest from one or more of the prohibitions listed in subsection 9 (1) or 10 (1) of that Act.

Public notice

(3.1) The Minister shall give notice to the public of the parts of an agreement, permit, or regulation referred to in subsection (3) that are deemed to be included in a forest management plan and such notice shall be in accordance with the requirements of the Forest Management Planning Manual or the regulations if there are no requirements for such notice in the Manual.

21 (1) Subsection 17 (3) of the Act is repealed.

(2) Subsections 17 (4) to (6) of the Act are repealed and the following substituted:

Revision of work schedule

(4) The Minister may at any time revise a work schedule.

Same, by licensee

(4.1) A holder of a forest resource licence may, in accordance with the Forest Management Planning Manual, revise a work schedule.

Forest management plan

(5) A revision to a work schedule under subsection (4) or (4.1) shall be consistent with the applicable forest management plan.

Application of s. 9 (2)

(6) Subsection 9 (2) applies with necessary modifications to the revision of a work schedule by the Minister.

22 Section 19 of the Act is amended by adding “or a permit” after “licence”.

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

Report available to public

(2) The Minister shall make the report available to the public on a publicly accessible website.

24 (1) Subsections 26 (2), (4) and (4.1) of the Act are repealed and the following substituted:

Term

(2) A licence under this section may be granted for a term of up to 20 years and the term may be extended in accordance with subsection (4).

.

Extension of term

(4) If a review conducted under subsection (3) or (3.1) satisfies the Minister that the licensee has complied with the terms and conditions of a licence, the Minister may, in his or her discretion, extend the term of the licence for five years.

Additional extension

(4.1) At the time of extending the term of a licence under subsection (4), the Minister may, in his or her discretion, further extend the term of the licence so that its term expires no later than March 31 of the 20th year after the year in which the Minister makes the extension.

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

Application

(7) Subsections (2), (4) and (4.1) apply to licences granted under this section before and after the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

25 (1) Subsection 37 (1) of the Act is amended by adding “or a permit” at the end.

(2) Subsection 37 (2) of the Act is amended by adding “or permittee” after “licensee” wherever it appears.

(3) Subsection 37 (3) of the Act is repealed and the following substituted:

Effect of sale, etc.

(3) A sale, lease, grant or other disposition of land under this section terminates the licence or permit in respect of the land and terminates all rights of the licensee or permittee in respect of forest resources on the land.

26 Section 41 of the Act is repealed and the following substituted:

Unpaid Crown charges

41 If Crown charges have not been paid by the holder of a forest resource licence or a permit, the Minister may withhold any licence, permit or approval requested by the licensee or permittee until the Crown charges are paid.

27 (1) Subsection 41.2 (1) of the Act is amended by adding the following clauses:

(0.a) a decision of the Minister not to extend a sustainable forest licence under subsection 26 (4) or (4.1);

(0.b) the re-enactment of subsections 26 (2), (4) and (4.1) or anything done or not done under those subsections;

(2) Clauses 41.2 (1) (b), (c) and (e) of the Act are repealed and the following substituted:

(b) the amendment of a forest resource licence or a permit under section 34, 38 or 41.9;

(b.1) the termination of a forest resource licence or a permit in respect of land that is the subject of a sale, lease, grant or other disposition of land under subsection 37 (3), and the termination of all rights of the licensee or permittee in respect of the forest resources on the land under that subsection;

(c) the granting of a subsequent forest resource licence or the issuing of a subsequent permit under section 38 or 41.6;

(c.1) the termination of a forest resource licence in respect of the land to which a permit applies under subsection 41.6 (3), and the termination of all rights of the licensee in respect of the forest resources on the land under that subsection;

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(e) the suspension or cancellation of a forest resource licence or a permit under section 59 or 59.1.

28 The Act is amended by adding the following Part:

**PART III.1
PERMITS**

Exempt from sustainability requirement

41.3 No decision or action of the Minister under this Part, and no action taken by a permittee under the authority of a permit is,

- (a) a forest operation within the meaning of this Act; or
- (b) subject to a requirement to provide for the sustainability of a Crown forest.

Permits

41.4 (1) The Minister may issue a permit to a person to remove forest resources that are in a Crown forest for the purpose of allowing an activity to be carried out on the land that requires the forest resources to be removed.

Forest Management Planning Manual, etc., not applicable

(2) Neither the issuance of a permit, nor the removal of forest resources under the authority of a permit, is subject to the requirements of,

- (a) the Forest Management Planning Manual;
- (b) a forest management plan approved under section 9;
- (c) a forest operations prescription prepared and certified under section 16;
- (d) a work schedule prepared or revised under section 17; or
- (e) subsection 42 (1).

Limitations on issuance

(3) The Minister may issue a permit to remove forest resources for the purposes of an activity described in subsection (1) only if,

- (a) the activity is not a forest operation;
- (b) the activity requires the forest resources to be removed and not be renewed during the duration of the activity; and
- (c) in order to proceed with the activity, the prospective permittee is required under any of the following Acts to obtain an approval or to satisfy conditions or requirements imposed in respect of the activity, and has received the approval or satisfied the conditions or requirements:
 - (i) *The Environmental Assessment Act.*
 - (ii) *The Mining Act.*
 - (iii) *The Public Lands Act.*
 - (iv) *The Lakes and Rivers Improvement Act.*
 - (v) *The Aggregate Resources Act.*
 - (vi) *The Canadian Environmental Assessment Act, 2012.*
 - (vii) An Act of Ontario or of Canada prescribed by the regulations.

Considerations

(4) In determining whether to issue a permit, the Minister shall have regard for the plant life, animal life, water, soil, air and social and economic values, including recreational values and heritage values, of the Crown forest.

Terms and conditions

41.5 (1) A permit is subject to whatever terms and conditions may be prescribed in the regulations and to such other terms and conditions as the Minister may specify in the permit.

Additional authority

(2) The terms and conditions that may be prescribed by regulation or specified in the permit under subsection (1) are in addition to the power of the Minister to amend a permit in accordance with section 41.9 and are not subject to section 41.9.

Examples

(3) Without limiting the generality of subsection (1), a permit may be subject to any of the following terms and conditions:

1. Setting the term during which the permit applies.
2. Limiting the area to which the permit applies.
3. Directing the use of or disposal of forest resources removed under the permit.
4. Requiring the permittee to take steps specified in the permit, and requiring that steps be taken before engaging in the removal of forest resources authorized by the permit.
5. Requiring the permittee to furnish security in an amount that is, in the opinion of the Minister, sufficient to ensure compliance with the permit.
6. Requiring the permittee to submit reports and information to the Minister.
7. Setting out the circumstances in which the permittee requires the consent of the Minister to undergo material changes to its structure or its business.
8. Specifying that the permit is non-transferable or limiting the permittee's ability to transfer or assign the permit.
9. Requiring the permittee to undertake silviculture or other activities to renew the Crown forest.

Compliance

(4) The authorization to remove forest resources under a permit does not apply unless the permittee complies with all the terms and conditions of the permit.

Permit and licence on same land

41.6 (1) The Minister may issue a permit in respect of forest resources on land that is subject to a forest resource licence.

Right to make representations

(2) Subsection (1) applies only if the Minister gives the licensee written notice of the intent to issue a permit and gives the licensee an opportunity to make representations to the Minister.

Effect of permit

(3) The issuance of a permit to which subsection (1) applies terminates the licence in respect of the land to which the permit applies and terminates all rights of the licensee in respect of forest resources on the land.

Ownership of forest resources

41.7 Property in forest resources that are removed under a permit remains in the Crown until all Crown charges have been paid in respect of the resources.

Prices and charges

41.8 (1) The Minister may determine, from time to time, the prices, forestry futures charges and forest renewal charges applicable to the removal of forest resources under a permit.

Same

(2) A permittee shall pay the prices and charges determined under subsection (1) in the amounts, in the manner and within the times required by the Minister.

Effective date

(3) A determination under subsection (1) may be made to apply retroactively to April 1 or any later date in the year in which the determination is made.

Obligation on permittee

(4) Crown charges in respect of forest resources that are removed under authority of a permit shall be paid by the permittee whether the resources are removed by the permittee or by another person with or without the permittee's consent.

Property in resources

(5) Upon payment by a permittee of all Crown charges referred to in subsection (4), property in forest resources that have been removed in the land to which the permit relates during the term of the permit vests in the permittee, whether the resources were removed by the permittee or by another person with or without the permittee's consent.

Seizure of resources

(6) A permittee who has paid all Crown charges referred to in subsection (4) is entitled to seize all forest resources that have been removed during the term of the permit and that are in the possession of a person not entitled to them.

Right of action

(7) A permittee who has paid all Crown charges referred to in subsection (4) is entitled to bring an action against any person who, during the term of the permit, removed, damaged or otherwise took possession of forest resources without the permission of the permittee.

Amendment

41.9 (1) The Minister may amend a permit.

Right to make representations

(2) Before amending a permit, the Minister shall,

- (a) give the permittee written notice of the Minister's intention to amend the permit and of the reasons for the amendment; and
- (b) give the permittee an opportunity to make representations to the Minister on the proposed amendment.

Surrender of permits

41.10 A permittee may, with the written consent of the Minister, surrender a permit on such terms as the Minister may impose.

No interest in land

41.11 A permit does not confer on the permittee any interest in land or any right to exclusive possession of land.

Survey

41.12 The Minister may at any time cause a survey to be made to establish or re-establish the boundaries of the area covered by a permit and, unless the Minister otherwise directs, the cost of the survey shall be borne by the permittee.

Measurement of resources

41.13 (1) A permittee who removes forest resources under the authority of a permit shall not do any of the following unless the resources have been measured and counted by a licensed scaler, in accordance with the Scaling Manual:

1. Transport the forest resources.
2. Take any steps to process or modify the forest resources except in a manner that allows them to be measured and counted in accordance with the Scaling Manual.
3. Allow the transport, processing or modification of the forest resources.

Same

(2) A permittee shall remove forest resources in a manner that allows them to be measured and counted in accordance with the Scaling Manual.

Exceptions

(3) Despite subsections (1) and (2), the Minister may direct that forest resources be measured, counted or weighed at such place and in such manner as the Minister may direct.

Right to deal with information

41.14 The Minister may deal with any information obtained under this Part as if the Minister had created the information.

29 Clause 42 (1) (b) of the Act is amended by striking out "approved by the Minister" at the end.

30 (1) Subsections 48 (1) and (2) of the Act are repealed and the following substituted:

Forest Renewal Trust

(1) The Forest Renewal Trust is continued under the name Forest Renewal Trust in English and Fonds de reboisement in French.

(2) Subsection 48 (7) of the Act is repealed and the following substituted:

Report available to the public

(7) The Minister shall make the report available to the public on a publicly accessible website.

31 (1) Subsections 51 (1) and (2) of the Act are repealed and the following substituted:

Forestry Futures Trust

(1) The Forestry Futures Trust is continued under the name Forestry Futures Trust in English and Fonds de réserve forestier in French.

(2) Subsection 51 (10) of the Act is repealed and the following substituted:

Report available to the public

(10) The Minister shall make the report available to the public on a publicly accessible website.

32 Subsection 55 (1) of the Act is amended by striking out “a forest management plan or a work schedule approved by the Minister” in the portion before clause (a) and substituting “an applicable forest management plan or work schedule”.

33 Section 57 of the Act is repealed and the following substituted:

Compliance with licence or permit

57 (1) If, in the opinion of the Minister, a person has failed to comply with a forest resource licence or a permit, the Minister may,

- (a) order the person to take such action as the Minister directs to carry out the obligations imposed by the licence or permit;
- (b) take such action as the Minister considers necessary to carry out the obligations imposed by the licence or permit; or
- (c) in the case of a permit, order the permittee to stop removal activities authorized by the permit.

Costs

(2) The person who failed to comply with the licence or permit is liable to the Minister for all costs associated with action taken by the Minister under clause (1) (b).

34 The Act is amended by adding the following section:

Suspension or cancellation of permit

59.1 (1) The Minister may suspend or cancel a permit in whole or in part, if,

- (a) the permittee fails to comply with the permit;
- (b) the approval for the permittee’s activity has expired or has been terminated;
- (c) the permittee fails to pay Crown charges;
- (d) the permittee fails to provide information to the Minister or to an employee or agent of the Ministry as required under this Act, the regulations or the permit;
- (e) the permittee becomes insolvent;
- (f) the permit conflicts with another permit or licence and subsection 41.6 (3) does not apply; or
- (g) the suspension or cancellation is authorized for another reason prescribed by the regulations.

Right to make representations

(2) Before suspending or cancelling a permit, the Minister shall,

- (a) give the permittee written notice of the Minister’s intention to suspend or cancel the permit and of the reasons for the suspension or cancellation; and
- (b) give the permittee an opportunity to make representations to the Minister on why the permit should not be suspended or cancelled.

35 Subsection 63 (1) of the Act is amended by adding “or a permit” after “licence”.

36 Clauses 64 (1) (a) and (b) of the Act are repealed and the following substituted:

- (a) harvests or removes forest resources in or from a Crown forest, or uses forest resources in a Crown forest for a designated purpose without the authority of a forest resource licence or a permit, is guilty of an offence and on conviction is liable to a fine of not more than \$100,000;
- (b) fails to comply with a forest resource licence or a permit is guilty of an offence and on conviction is liable to a fine of not more than \$100,000;

37 (1) Subsection 69 (1) of the Act is amended by adding the following paragraphs:

- 16. governing permits, including, without being limited to, prescribing the records to be kept by permittees and former permittees, and governing terms and conditions that are applicable to permits;

16.1 defining or clarifying the meaning of “remove”, “transport” and related terms for the purposes of Part III.1;

(2) Paragraphs 26 and 31 of subsection 69 (1) of the Act are repealed and the following substituted:

26. prescribing other reasons for which a forest resource licence or a permit may be cancelled or suspended under section 59 or 59.1;

31. governing the establishment, conduct and reporting of independent audits;

38 Sections 70 to 72 and 74 to 77 of the Act are repealed.

FISH AND WILDLIFE CONSERVATION ACT, 1997

39 Subsection 1 (1) of the *Fish and Wildlife Conservation Act, 1997* is amended by adding the following definition:

“wildlife disease” means a disease or condition impacting wildlife caused by an infectious agent, including but not limited to a virus, prion, bacterium, protozoan, viroid, fungus or metazoan parasite. (“maladie des animaux sauvages”)

40 The Act is amended by adding the following sections:

Wildlife disease control and surveillance zone

47.1 (1) If the Minister believes that a wildlife disease has been detected or is reasonably believed to be present in Ontario or in another jurisdiction and there is a risk it could enter Ontario, the Minister may by order establish a wildlife disease control and surveillance zone, if the Minister is of the opinion that,

- (a) the wildlife disease may have serious adverse impacts on wildlife populations or serious adverse ecological, social or economic impacts in Ontario; and
- (b) the order may assist in controlling or eradicating the wildlife disease, minimizing its impacts in Ontario or reducing the risk of the wildlife disease entering Ontario.

Contents of order

(2) The Minister’s order under subsection (1) shall,

- (a) identify the area to which it applies;
- (b) specify the class or species of wildlife to which it applies;
- (c) specify the wildlife disease for which it has been issued and reasons for the order;
- (d) specify the time period for which it is valid;
- (e) set out any requirements, restrictions or prohibitions that apply within the wildlife disease control and surveillance zone to further the objectives of the order; and
- (f) include any other information the Minister considers relevant.

Examples

(3) Without limiting the generality of clause (2) (e), the order may,

- (a) prohibit or restrict the hunting, trapping or possession of wildlife or prohibit or restrict the purchase, sale or disposition of wildlife;
- (b) require that a person submit reports or other information in relation to certain activities taking place within the zone; or
- (c) require that a person submit or surrender wildlife.

Same, where requirements, restrictions or prohibitions apply

(4) For greater certainty, the order may specify that certain requirements, restrictions or prohibitions apply everywhere within the wildlife disease control and surveillance zone or that certain requirements, restrictions or prohibitions apply only within parts of the zone.

Order prevails

(5) Except in the case of an authorization provided under section 47.2 that applies within a wildlife disease control and surveillance zone, the requirements, restrictions or prohibitions set out in a Minister’s order made under subsection (1) prevail over anything that this Act or the regulations permit or authorize by way of licence or otherwise.

Entry on land

(6) Employees of the Ministry or other persons acting on behalf of the Minister may enter private land within a wildlife disease control and surveillance zone for the purpose of killing or capturing wildlife, taking samples or carrying out such other activities that may assist with the implementation of a Minister’s order made under subsection (1).

No entry

(7) Subsection (6) does not authorize a person to enter a building or structure including a building or structure that is used as a dwelling.

Duration of order

(8) The order shall be valid for the period specified in the order or until such time as it is revoked by the Minister.

Publication of order

(9) The Minister shall cause the order to be published,

- (a) on a website maintained by the government of Ontario or in a newspaper of general circulation in the area to which the order applies; and
- (b) in any such other manner as the Minister considers appropriate.

Amendment or revocation of order

(10) The Minister may amend or revoke an order made under this section by publishing a notice in the manner described in subsection (9).

Compliance

(11) No person shall fail to comply with an order made under this section or engage in an activity prohibited or restricted in the order.

Not a regulation

(12) An order made under this section is not a regulation for the purposes of Part III (Regulations) of the *Legislation Act, 2006*.

Minister's authorization

47.2 The Minister may authorize a person or class of persons to carry out activities otherwise prohibited by this Act to assist in controlling or eradicating a wildlife disease, minimizing its impacts in Ontario or reducing the risk of a wildlife disease entering Ontario.

41 Subsection 92 (3) of the Act is repealed and the following substituted:**Safekeeping**

(3) A conservation officer shall deliver any thing that he or she seizes to a person authorized by the Minister for safekeeping.

Leaving with occupant

(3.1) Despite subsection (3), a conservation officer may leave a thing that he or she seizes in the custody of the occupant of the building or other place in which it was seized.

Occupant to safeguard

(3.2) If any thing is left in the custody of an occupant under subsection (3.1), the occupant shall safeguard the thing until,

- (a) a conservation officer removes the thing;
- (b) the occupant is notified by a conservation officer that the investigation has concluded and that a charge will not be laid;
or
- (c) if a charge is laid, the defendant is acquitted or the charge is dismissed, withdrawn or is finally disposed of.

Thing taken before justice

(3.3) Subsections (3) and (3.1) do not apply to a thing that is required to be carried before a justice by a search warrant issued under Part VIII of the *Provincial Offences Act*.

42 Section 112 of the Act is amended by adding the following paragraph:

- 35.1 respecting wildlife diseases that may have serious adverse impacts on wildlife populations or serious adverse, ecological, social or economic impacts in Ontario, including prohibiting or regulating certain activities or establishing requirements to assist in preventing, controlling or eradicating wildlife diseases or minimizing their impacts;

FRESHWATER FISH MARKETING ACT (ONTARIO)**Repeal**

43 The *Freshwater Fish Marketing Act (Ontario)* is repealed.

Revocation

44 Regulation 463 of the Revised Regulations of Ontario, 1990 (General) made under the Act is revoked.

LAKES AND RIVERS IMPROVEMENT ACT

45 (1) Subsection 3 (2) of the *Lakes and Rivers Improvement Act* is repealed and the following substituted:

Minister's regulations

- (2) The Minister may make regulations,
- (a) governing the design, construction, operation, maintenance, and safety of dams in any lake or river or any defined portion of a lake or river;
 - (b) governing the assessment and management of any impact on fish, wildlife and other natural resources, including the use thereof, that has resulted from, or may result from, the construction, operation, alteration, improvement or repair of a dam that is associated with the production of electricity, including,
 - (i) requiring the owner of the dam to have a plan for the monitoring and reporting of such impacts on the dam's lake or river and on fish and other organisms and for the giving of advisories to certain communities, persons or entities in circumstances described in the plan,
 - (ii) governing the preparation, form and contents of the plan and the timing of its preparation,
 - (iii) requiring that the plan be prepared or reviewed by a person with specified qualifications,
 - (iv) requiring the owner of the dam to submit the plan to the Ministry for review and authorizing the Ministry to require the owner to amend the plan,
 - (v) respecting the implementation of the plan,
 - (vi) respecting the periodic review of all or part the plan, including the timing of the review, the preparation, form and content of changes to the plan, the qualifications of the person who carries out the review or who prepares or reviews any changes to the plan, and
 - (vii) requiring the owner of the dam to submit a revised plan to the Ministry for review and authorizing the Ministry to require the owner to amend the revised plan.

(2) Subsection 3 (4) of the Act is repealed and the following substituted:

Adoption by reference

- (4) A regulation under subsection (1) or (2) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council or Minister considers necessary, any document, including a code, formula, standard, protocol, procedure or guideline, as it reads at the time the regulation is made or as amended from time to time, and may require compliance with any document so adopted.

OIL, GAS AND SALT RESOURCES ACT

46 (1) The definition of "operator" in subsection 1 (1) of the *Oil, Gas and Salt Resources Act* is repealed and the following substituted:

"operator" means, in respect of a work,

- (a) a person who has the right as lessee, sub-lessee, assignee, owner or holder of a licence or permit to operate the work,
- (b) a person who is authorized under subsection 10 (1.1) to operate the work without a licence,
- (c) a person who has the control or management of the operation of the work, or
- (d) if there is no person described in clause (a), (b) or (c), the owner of the land on which the work is situated;

(2) Clause (e) of the definition of "well" in subsection 1 (1) of the Act is repealed and the following substituted:

- (e) geological evaluation or testing in rock that is of Cambrian age or younger, other than any evaluation or testing that is prescribed as excluded, if the geological evaluation or testing,
 - (i) is carried out in relation to any of the activities set out in clauses (a) to (d),
 - (ii) involves a hole in the ground the final depth of which is, or will be, at or below the depth where any of the activities set out in clause (a), (b), (c) or (d) occur or could be reasonably expected to occur based on the location of the activity, in accordance with any prescribed criteria with respect to the depth specified for the location of the activity, or
 - (iii) involves a hole in the ground that meets the prescribed criteria, conditions, restrictions or requirements with respect to the final depth of the hole, its purpose and its location in Ontario;

47 (1) Section 10 of the Act is amended by adding the following subsections:

Exception

(1.1) Despite subsection (1), in the prescribed circumstances, a person who meets any prescribed qualifications, may drill, operate, deepen, alter or enter a well or engage in any other activity on or in a well without a licence if the person does so in accordance with such terms, conditions, restrictions and requirements as may be prescribed.

Compliance

(1.2) A person who is authorized to engage in activities in connection with a well without a licence under subsection (1.1) shall comply with any applicable requirements under the Act and the regulations and any prescribed terms, conditions, restrictions and requirements and shall do so until such time as another person is authorized to operate the well, or the well and all associated works are plugged, abandoned or decommissioned in accordance with the Act and the regulations.

(2) Subsection 10 (2) of the Act is repealed and the following substituted:**No purchase without licence or authorization**

(2) No person shall purchase or accept delivery of oil or gas produced from a well unless the well is subject to a licence or activities in connection with the well are authorized under subsection (1.1).

48 Section 10.1 of the Act is amended by adding the following subsections:**Notice of appeal**

(2.1) An appeal under subsection (2) shall be commenced by a notice of appeal, setting out the grounds for the appeal, which is to be filed with the Tribunal and submitted to the Minister within 30 days after the Minister's refusal.

Minister entitled to be heard

(3.1) The Minister is entitled to be heard at a hearing held under subsection (3).

49 Clause (a) of subsection 10.2 (2) of the Act is repealed and the following substituted:

- (a) the well or facility is not licensed or activities in connection with the well are not authorized under subsection 10 (1.1); and

50 Section 11 of the Act is amended by adding the following subsection:**Minister entitled to be heard**

(3.1) The Minister is entitled to be heard at a hearing held under subsection (3).

51 (1) Section 13 of the Act is amended by adding the following subsections:**Grant of licence, prescribed circumstances**

(1.1) Despite subsection (1), in the circumstances prescribed by regulation, the Minister shall grant a licence to an applicant who meets any prescribed qualifications and who submits an application that meets the prescribed requirements.

Exception, Ontario Energy Board Act, 1998

(1.2) If section 40 of the *Ontario Energy Board Act, 1998* would apply to a well, or if the Minister is of the opinion that the well may affect operations within an area designated as a gas storage area under that Act, a licence shall not be issued under subsection (1.1).

Licence or permit conditions, etc

(1.3) A licence granted under subsection (1.1) may be subject to such terms, conditions, duties and liabilities as may be prescribed.

Notice of proposal

(1.4) Where the Minister proposes to refuse to grant a licence or permit under subsection (1) or proposes to grant a licence or permit that will be subject to terms, conditions, duties or liabilities under subsection (1), the Minister shall provide to the applicant a written notice of the proposal and shall inform the applicant that a request for a referral can be made in accordance with subsection (1.5).

Request for referral

(1.5) A person who receives a notice under subsection (1.4) may, within 30 days after receiving the notice, submit a written request to the Minister for the matter to be referred to the Tribunal and the Minister shall, upon receiving such a request, refer the matter to the Tribunal or to the Board in accordance with subsection (1).

When Minister can carry out proposal

(1.6) The Minister may carry out the proposal under subsection (1.4),

- (a) before the 30 days to request a referral under subsection (1.5) have elapsed if the applicant waives the right to request a referral in writing; or
- (b) if no request for a referral is made within 30 days in accordance with subsection (1.5).

When no notice of proposal required

- (1.7) The Minister is not required to give a notice of proposal under subsection (1.4),
- (a) if it is the Minister who decides to refer the matter to the Tribunal or to the Board under subsection (1);
 - (b) where a term, condition, duty or liability is imposed on a licence or permit or is amended or, where the licence or permit is refused, based on a report received by the Minister on the matter from the Tribunal or the Board, as the case may be; or
 - (c) where a spacing unit or a target area is specified as a condition of the licence under subsection 10 (2) or 13 (4) of Ontario Regulation 245/97.

Minister entitled to be heard

- (1.8) The Minister is entitled to be heard at a hearing held under subsection (1).

(2) Subsection 13 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Changes to terms and conditions

(2) In the case of a licence or permit granted under subsection (1), the Minister may amend, suspend or revoke any term, condition, duty or liability imposed on the licence or permit or may impose additional terms, conditions, duties or liabilities and, in the case of a licence granted under subsection (1.1), the Minister may, in addition to any prescribed terms, conditions, duties or liabilities, impose further terms, conditions, duties or liabilities and amend, suspend or revoke such additions, but before doing so the Minister may, and if requested by the holder of the licence or permit shall,

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

Notice of proposal

(2.1) Where the Minister proposes to amend, suspend or revoke any term, condition, duty or liability imposed on a licence or permit or proposes to impose an additional term, condition, duty or liability under subsection (2), the Minister shall provide to the holder of the licence or permit a written notice of the proposal and shall inform the holder of the licence or permit that a request for a referral can be made in accordance with subsection (2.2).

Request for referral

(2.2) A person who receives a notice under subsection (2.1) may, within 30 days after receiving the notice, submit a written request to the Minister for the matter to be referred to the Tribunal and the Minister shall, upon receiving such a request, refer the matter to the Tribunal or to the Board in accordance with subsection (2).

When Minister can carry out proposal

- (2.3) The Minister may carry out the proposal under subsection (2.1),
- (a) before the 30 days to request a referral under subsection (2.2) have elapsed if the applicant waives the right to request a referral in writing; or
 - (b) if no request for a referral is made within 30 days in accordance with subsection (2.2).

When no notice of proposal required

- (2.4) The Minister is not required to give a notice of proposal under subsection (2.1),
- (a) if it is the Minister who decides to refer the matter to the Tribunal or to the Board under subsection (2);
 - (b) where a term, condition, duty or liability is imposed on a licence or permit or is amended, suspended or revoked based on a report received by the Minister on the matter from the Tribunal or the Board, as the case may be;
 - (c) where a spacing unit or a target area is specified as a condition of the licence under subsection 10 (2) or 13 (4) of Ontario Regulation 245/97; or
 - (d) where a condition on a licence is revoked or amended under subsection 8 (4) of Ontario Regulation 245/97.

Minister entitled to be heard

- (2.5) The Minister is entitled to be heard at a hearing held under subsection (2).

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

Notice of proposal

(2) Where the Minister proposes to refuse to grant a licence or permit or proposes to suspend or cancel a licence or a permit under subsection (1), the Minister shall provide to the applicant or holder of the licence or permit, as the case may be, a written notice of the proposal and shall inform the applicant or holder of the licence or permit that a request for a referral can be made in accordance with subsection (3).

Request for referral

(3) A person who receives a notice under subsection (2) may, within 30 days after receiving the notice, submit a written request to the Minister for the matter to be referred to the Tribunal and the Minister shall, upon receiving such a request, refer the matter to the Tribunal or to the Board in accordance with subsection (1).

When Minister can carry out proposal

(4) The Minister may carry out the proposal under subsection (2),

- (a) before the 30 days to request a referral under subsection (3) have elapsed if the applicant waives the right to request a referral in writing; or
- (b) if no request for a referral is made within 30 days in accordance with subsection (3).

When notice of proposal not required

(5) The Minister is not required to give a notice of proposal under subsection (2),

- (a) if it is the Minister who decides to refer the matter to the Tribunal or to the Board under subsection (1); or
- (b) after the Minister receives a report on the matter from the Tribunal or the Board, as the case may be.

Minister entitled to be heard

(6) The Minister is entitled to be heard at a hearing held under subsection (1).

53 Subsection 16 (4) of the Act is amended by adding “and any person whose activities in connection with a well are authorized under subsection 10 (1.1)” after “permit”.

54 Subsections 16 (6) and (7) of the Act are repealed and the following substituted:

Annual report

(6) The Trust shall report annually to the Minister on the financial affairs of the Trust and after submitting the report to the Minister, the Trust shall make the report available to the public on a website operated by the Trust.

55 (1) Clauses (b) and (c) of subsection 17 (2) of the Act are repealed and the following substituted:

- (b) prescribing classes of licences and permits, and prescribing standard terms and conditions upon which licences and permits may be issued including standard terms and conditions that apply to licences granted under subsection 13 (1.1);
- (c) prescribing the fee payable for any licence or permit, or in respect of well activities authorized under subsection 10 (1.1);
- (c.1) prescribing the circumstances in which a person may drill, operate, deepen, alter or enter a well or engage in any other activity on or in a well without a licence under subsection 10 (1.1) and prescribing any qualifications that the person must have and the terms, conditions, restrictions and requirements, if any, under which the person may drill, operate, deepen, alter or enter a well or engage in any other activity on or in a well;
- (c.2) prescribing the circumstances under which a person may assume the authorization of another person to engage in activities in connection with a well without a licence under subsection 10 (1.1), including the terms, conditions, restrictions and requirements to which the authorization is subject and the qualifications the person must have;
- (c.3) governing the surrender of licences and permits by holders of licences or permits who are transitioning to an authorization under subsection 10 (1.1) to engage in activities in connection with a well without a licence and prescribing the circumstances in which the surrender may be permitted or required;
- (c.4) prescribing the circumstances in which a person may apply for a licence under subsection 13 (1.1), as well as the qualifications the person must have and the terms, conditions, duties and liabilities to which the licence is subject;

(2) Clauses (i) and (j) of subsection 17 (2) of the Act are repealed and the following substituted:

- (i) requiring and providing for the keeping of records and the making of returns, statements or reports on geological evaluation or testing wells, and the exploration, leasing, drilling for or production of oil or gas or the storage of oil or gas;

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- (j) regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in respect of geological evaluation or testing wells, and the drilling for, production, storage and measurement of oil or gas;

(3) Subsection 17 (2) of the Act is amended by adding the following clause:

- (j.3.1) prescribing any criteria, conditions restrictions or requirements for the purposes of clause (e) of the definition of “well”, and prescribing the depth of a hole in the ground, its purpose and its location and prescribing any form of geological evaluation or testing in rock that is excluded;

(4) Section 17 of the Act is amended by adding the following subsection:

Transition regulations

(2.1) The Lieutenant Governor in Council may make regulations respecting transitional matters that arise where, as a result of a regulation being made under subsection (1) or (2), all or part of the Act and the regulations will apply to a specified type of project, activity, undertaking or work to which the Act and regulations did not previously apply, including exempting from any provision of the Act or the regulations a person or entity who is engaged in the specified type of project, activity, undertaking or work, at the time the regulation is made.

PUBLIC LANDS ACT

56 Section 21.1 of the *Public Lands Act* is amended by adding the following subsection:

Restricting common law right of passage

(15) For greater certainty, a regulation made under this section may remove or restrict any common law right of passage of the public over a road as defined in section 48, including over a road allowance on public lands.

57 Section 36 of the Act is repealed and the following substituted:

Lists to Municipal Property Assessment Corporation

36 (1) The Minister shall, in accordance with subsection (2), transmit to the Municipal Property Assessment Corporation one or more lists of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and one or more lists of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year.

Timing

- (2) The Minister shall transmit the lists under subsection (1),
- (a) at least once in every calendar year; or
 - (b) if an alternative schedule has been established jointly by the Minister and the Municipal Property Assessment Corporation, in accordance with that schedule.

58 The definition of “road” in section 48 of the Act is amended by striking out “ditches and” and substituting “ditches, culverts or other water crossings and”.

59 Subsection 50 (1) of the Act is repealed and the following substituted:

No liability for damages

(1) No civil action shall be brought against the Crown or any person in respect of misfeasance, non-feasance, nuisance or negligence in connection with the construction, maintenance, repair, stopping up, closing or decommissioning of a road.

60 (1) Subsections 52 (2) and (3) of the Act are repealed and the following substituted:

Methods of closure

- (2) A closing under subsection (1) may be effected by,
- (a) erecting barricades;
 - (b) erecting signs;
 - (c) publishing a notice on the Internet; or
 - (d) taking any other action prescribed in the regulations made by the Minister under subsection (7).

Barricades and notices

- (3) A district manager who closes a road or part of it under subsection (1) by the erection of barricades shall cause to be erected,
- (a) a barricade with reflective markings at each end of the closed road or part, and at each intersection of it with any other road; and

(b) a notice that the road is closed, at each end and intersection described in clause (a).

(2) Clause 52 (5) (b) of the Act is amended by striking out “light”.

(3) Subsection 52 (6) of the Act is amended by striking out “light”.

(4) Section 52 of the Act is amended by adding the following subsection:

Regulations

(7) The Minister may make regulations prescribing and governing actions provided for in clause (2) (d).

61 Subsections 68.1 (2) to (4) of the Act are repealed and the following substituted:

Release of reservations by Ministerial order

(2) Where public lands have been disposed of by the Crown under this or any other Act and an interest or right has been reserved to the Crown, the reservation, other than a reservation under subsection 62 (1), may be released by an order signed by the Minister, at the price and on the conditions that the Minister considers proper.

62 Section 72 of the Act is amended by striking out “manage and administer” and substituting “manage, administer, operate and decommission”.

O. Reg 110/01

63 Ontario Regulation 110/01 (Release of Reservations in Letters Patent) made under the *Public Lands Act* is revoked.

AMENDMENTS TO THE AGGREGATE RESOURCES AND MINING MODERNIZATION ACT, 2017

64 Section 12 and subsections 13 (1), (2) and (3) and section 31 of Schedule 1 to the *Aggregate Resources and Mining Modernization Act, 2017* are repealed.

COMMENCEMENT

Commencement

65 (1) Subject to subsection (2), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

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

1. Subsections 5 (2), (3) and (4), 6 (2) and 7 (2).
2. Sections 9, 13 and 15.
3. Subsections 46 (2) and 55 (3).

SCHEDULE 16
MINISTRY OF TRANSPORTATION
HIGHWAY 407 ACT, 1998

1 Subsection 1 (1) of the *Highway 407 Act, 1998* is amended by adding the following definition:

“enforcement fee” means a fee charged by the owner for the purposes of recovering costs associated with a person’s failure to pay a toll or fee; (“frais de recouvrement”)

2 Section 15 of the Act is amended by adding the following subsection:

Exception — enforcement fees

(2.1) Despite subsections (1) and (2), an enforcement fee is payable on the day it is charged and interest on the enforcement fee begins to accrue and is payable 35 days after the enforcement fee is charged.

3 Clause 16 (2) (d) of the Act is repealed and the following substituted:

- (d) inform the person named in the notice that if the toll or fee referred to in the notice, or any interest on that toll or fee, is not paid within 90 days of the day on which the person received the notice, even if the failure to pay is disputed under section 17 or is subject to an appeal under section 19,
 - (i) the owner may charge an enforcement fee, the amount of which shall be set out in the notice, and
 - (ii) the Registrar of Motor Vehicles may refuse to validate the person’s vehicle permit or refuse to issue a vehicle permit to the person.

4 Paragraph 3 of subsection 17 (1) of the Act is amended by striking out “the numbered plate” and substituting “the number plate”.

5 (1) Subsection 22 (1) of the Act is repealed and the following substituted:

Failure to pay toll — enforcement fee and non-validation of vehicle permit

- (1) If a toll and the related fees and interest are not paid within 90 days of the day a person receives a notice of failure to pay under section 16, the owner may,
 - (a) charge an enforcement fee; and
 - (b) notify the Registrar of Motor Vehicles of the failure to pay.

(2) Subsection 22 (3) of the Act is repealed and the following substituted:

Notification

(3) The owner shall promptly inform the person who received a notice of failure to pay that the enforcement fee was charged or that notice has been given to the Registrar of Motor Vehicles under subsection (1), or both, as the case may be.

Dispute of enforcement fee

(3.1) Subsection 15 (3) and sections 17 to 21 apply with respect to the enforcement fee.

(3) Subsection 22 (6) of the Act is amended by adding “and any enforcement fee” after “interest”.

(4) Subsection 22 (7) of the Act is amended by adding “and any enforcement fee” after “interest” in both places it appears in the portion before clause (a).

(5) Section 22 of the Act is amended by adding the following subsections:

Transition — enforcement fee

(8) The owner may charge an enforcement fee under clause (1) (a) only if the owner sent the notice of failure to pay under section 16 on or after the day the *Better for People, Smarter for Business Act, 2019* received Royal Assent.

Same — notice sent earlier

(9) If the owner sent the notice earlier than the day the *Better for People, Smarter for Business Act, 2019* received Royal Assent, this Act, as it read immediately before that day, applies with respect to a fee charged by the owner for the purposes of recovering costs associated with a person’s failure to pay a toll or fee.

HIGHWAY 407 EAST ACT, 2012

6 (1) Subsection 1 (1) of the *Highway 407 East Act, 2012* is amended by adding the following definition:

“enforcement fee” means a fee charged by the Minister for the purposes of recovering costs associated with a person’s failure to pay a toll or fee; (“frais de recouvrement”)

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

0.1 The definition of “enforcement fee” in subsection 1 (1).

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

2. Subsection 5 (1), subclauses 5 (2) (c) (i) and (iii) and clause 5 (2) (d).

(4) Paragraph 6 of subsection 1 (2) of the Act is repealed and the following substituted:

6. Subsections 11 (1), (2) and (7) to (11).

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

Exception — enforcement fees

(3.1) Despite subsections (1) and (2), an enforcement fee is payable on the day it is charged and interest on the enforcement fee begins to accrue and is payable 35 days after the enforcement fee is charged.

8 Clause 5 (2) (d) of the Act is repealed and the following substituted:

- (d) inform the person named in the notice that if the toll or fee referred to in the notice, or any interest on that toll or fee, is not paid within 90 days after the day on which the person received the notice, even if the failure to pay is disputed under section 6 or is subject to an appeal under section 8,
 - (i) the Minister may charge an enforcement fee, the amount of which shall be set out in the notice, and
 - (ii) the Registrar of Motor Vehicles may refuse to validate the person’s vehicle permit or refuse to issue a vehicle permit to the person.

9 (1) Subsections 11 (1) and (2) of the Act are repealed and the following substituted:

Charging of enforcement fee and notification to Registrar

(1) If a toll and the related fees and interest are not paid within 90 days of the day a person receives a notice of failure to pay under section 5, the Minister may,

- (a) charge an enforcement fee; and
- (b) notify the Registrar of Motor Vehicles of the failure to pay.

Same

(2) The Minister shall promptly inform the person who received the notice of failure to pay that the enforcement fee was charged or that the Registrar of Motor Vehicles has been notified under subsection (1), or both, as the case may be.

Dispute of enforcement fee

(2.1) Subsections 4 (4) and (8) and sections 6 to 10 apply with respect to the enforcement fee.

(2) Subsection 11 (8) of the Act is amended by adding “and any enforcement fee” after “interest”.

(3) Subsection 11 (9) of the Act is amended by adding “and any enforcement fee” after “interest” in both places it appears in the portion before clause (a).

(4) Section 11 of the Act is amended by adding the following subsections:

Transition — enforcement fee

(10) The Minister may charge an enforcement fee under clause (1) (a) only if the Minister sent the notice of failure to pay under section 5 on or after the day the *Better for People, Smarter for Business Act, 2019* received Royal Assent.

Same

(11) If the Minister sent the notice earlier than the day the *Better for People, Smarter for Business Act, 2019* received Royal Assent, this Act, as it read immediately before that day, applies with respect to a fee charged by the Minister for the purposes of recovering costs associated with a person’s failure to pay a toll or fee.

HIGHWAY TRAFFIC ACT

10 Subsection 75 (3) of the *Highway Traffic Act* is repealed.

11 The Act is amended by adding the following section:

Emissions

75.1 (1) No person shall drive or cause or permit to be driven on a highway a motor vehicle that does not comply with the regulations respecting emissions.

Tampering

(2) No person shall tamper, or cause or permit a person to tamper, by,

- (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system; or
- (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle.

Sale of tampering devices

(3) No person shall sell or offer for sale a system or device the main purpose of which is to carry out any of the actions described in subsection (2).

Offence, emissions contravention

(4) Every person who contravenes subsection (1) or a regulation referred to in it is guilty of an offence and on conviction is liable,

- (a) if the vehicle is not a commercial motor vehicle, to a fine of not less than \$300 and not more than \$1,000; and
- (b) if the vehicle is a commercial motor vehicle, to a fine of not less than \$400 and not more than \$20,000.

Offence, tampering or sale of tampering devices

(5) Every person who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000.

Penalty, tampering, multiple items

(6) If an offence under subsection (5) involves more than one emission control system, motor, motor vehicle, system or device, the maximum fine that may be imposed is the amount that would otherwise apply under subsection (5), multiplied by the number of emission control systems, motors, motor vehicles, systems or devices.

Regulations

(7) The Minister may make regulations,

- (a) governing emissions for the purpose of subsection (1), including governing emission control equipment standards, emission control performance standards and tests to be used to determine compliance with regulations respecting emissions;
- (b) defining "emission control system" and any other word or expression used in this section that is not already defined in this Act;
- (c) exempting any person or class of persons or any motor vehicle or class of motor vehicles from any requirement or provision of this section or of any regulation made under this section and prescribing conditions and circumstances for any such exemption.

Same, amendments to adopted documents

(8) If a regulation made under this section adopts a document by reference, the regulation may adopt the document as it may be amended from time to time.

Same, when adoption of amendment effective

(9) The adoption of an amendment of a document that has been adopted by reference comes into effect upon the amended document being posted on a Government of Ontario website.

12 Section 82 of the Act is amended by adding the following subsection:

Computer access

(8.1) An examination or test under this section may involve accessing information from the vehicle's computer system.

13 Clause 100.7 (1) (c) of the Act is amended by striking out "standards that" and substituting "standards, including emission control standards, that".

14 Subclause 100.8 (1) (e) (iii) of the Act is amended by striking out "standards that" and substituting "standards, including emission control standards, that".

15 (1) Subsection 191.8 (2) of the Act is amended by striking out "Lieutenant Governor in Council" in the portion before clause (a) and substituting "Minister".

(2) Clause 191.8 (2) (b) of the Act is amended by adding "governing" at the beginning.

(3) Section 191.8 of the Act is amended by adding the following subsection:

Same

(2.1) A regulation made under subsection (2) may,

- (a) provide that a provision of the regulation that permits the operation of off-road vehicles on a highway or part of a highway does not apply with respect to a highway or part of a highway that is under the jurisdiction of a municipality if the municipality by by-law prohibits such operation; or
- (b) prescribe limitations on the authority of a municipality to pass a by-law under clause (3) (a) permitting the operation of off-road vehicles or classes of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway.

(4) Subsections 191.8 (3) and (4) of the Act are repealed and the following substituted:

Municipal by-laws

- (3) The council of a municipality may pass by-laws,
 - (a) permitting the operation of off-road vehicles or classes of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway, subject to any limitations prescribed under clause (2.1) (b);
 - (b) prohibiting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway, in accordance with a regulation under clause (2.1) (a);
 - (c) prescribing a lower rate of speed for off-road vehicles than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways.

By-laws may regulate times of operation

- (4) A by-law passed under subsection (3) may apply only during specified times.

16 Section 216.1 of the Act is amended by adding the following subsection:

Computer access

- (2.1) An examination under this section may involve accessing information from the vehicle's computer system.

GETTING ONTARIO MOVING ACT (TRANSPORTATION STATUTE LAW AMENDMENT), 2019

17 Section 34 of Schedule 1 to the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* is repealed.

COMMENCEMENT

Commencement

18 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.

(2) Sections 10, 11, 12, 15 and 16 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Sections 13 and 14 come into force on the later of the day section 35 of the *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015* comes into force and the day the *Better for People, Smarter for Business Act, 2019* receives Royal Assent.