

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
68 ELIZABETH II, 2019

Bill 138

(Chapter 15 of the Statutes of Ontario, 2019)

An Act to implement Budget measures and to enact, amend and repeal various statutes

The Hon. R. Phillips
Minister of Finance

1st Reading	November 6, 2019
2nd Reading	November 27, 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 138 and does not form part of the law.
Bill 138 has been enacted as Chapter 15 of the Statutes of Ontario, 2019.*

SCHEDULE 1 ALCOHOL AND GAMING COMMISSION OF ONTARIO ACT, 2019

The Schedule enacts the *Alcohol and Gaming Commission of Ontario Act, 2019*, which continues the Alcohol and Gaming Commission of Ontario and provides for its objects as well as various other matters relevant to the functioning of the Commission. The Schedule repeals sections 1 to 16 of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*, which relate to the Commission, and makes consequential amendments to various other Acts.

SCHEDULE 2 ALCOHOL, CANNABIS AND GAMING REGULATION AND PUBLIC PROTECTION ACT, 1996

The Schedule makes a number of amendments to the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*. Here are some highlights:

1. As other Schedules to the Bill repeal Part I of the Act and enact and repeal other Acts referred to in the Act, the title of the Act is changed to the *Liquor Tax Act, 1996* and various amendments to terminology are made.
2. Various amendments are made to the Act respecting the collection of the tax imposed by the Act and various provisions of Act are repealed.
3. Currently, the basic tax payable under the Act in respect of the purchase of beer made by beer manufacturers is adjusted annually. The Act is amended to no longer require annual adjustments and to instead authorize the Minister to prescribe a date in a year as of which the basic tax rate is to be adjusted. The Act is also modified such that increases in the basic tax on wine and wine cooler that are to take effect on January 1, 2020 will instead take effect on June 1, 2020.

SCHEDULE 3 CANNABIS CONTROL ACT, 2017

The Schedule amends sections 20 and 23 of the *Cannabis Control Act, 2017* respecting approved youth education or prevention programs under the Act. Subsection 20 (1) is amended to expressly state that a police officer may, under that subsection, refer a person who is under 19 years of age to such a program instead of commencing a proceeding under the *Provincial Offences Act*. Section 23 is amended to expressly state that, in the case of a conviction for a contravention of section 10 of the Act (possession, consumption, etc. by an individual who is under 19 years of age), a court may suspend the passing of sentence and direct participation in such a program as a condition in a probation order, and that any such condition is in addition to any other condition that may be imposed in a probation order under the *Provincial Offences Act*.

SCHEDULE 4 CANNABIS LICENCE ACT, 2018

The Schedule makes various amendments respecting the sale of cannabis in accordance with the *Cannabis Licence Act, 2018*.

Amendments are made to permit online and telephone purchase of cannabis from cannabis retail stores. Section 2 of the *Ontario Cannabis Retail Corporation Act, 2017* is amended to permit the sale of cannabis by holders of a retail store authorization under the *Cannabis Licence Act, 2018* online or by telephone, but only for distribution to purchasers in a cannabis retail store. Section 20 of the *Cannabis Licence Act, 2018* is re-enacted to reflect that cannabis may be purchased from a cannabis retail store other than in person, but to prohibit holders of a retail store authorization from distributing cannabis to purchasers other than in store; complementary changes are made to section 21 of that Act. Finally, section 9 of the *Cannabis Control Act, 2017*, setting out prohibitions respecting unlawful purchase of cannabis, is replaced in order to reflect online and telephone sales of cannabis other than by the Ontario Cannabis Retail Corporation.

Subsection 4 (4) of the *Cannabis Licence Act, 2018*, respecting restrictions on cannabis producers, is amended to provide greater flexibility to set out the scope of the restrictions by regulations made under the Act. Complementary amendments are made to the regulation-making authority in subsection 49 (1) of the Act.

Finally, section 26 of the Act is amended to expand the circumstances in which the Registrar of the Alcohol and Gaming Commission of Ontario may set standards and requirements respecting specified matters relating to the conduct of licence or authorization holders under the Act.

SCHEDULE 5 CHILD, YOUTH AND FAMILY SERVICES ACT, 2017

The Schedule amends the *Child, Youth and Family Services Act, 2017* to allow a justice of the peace to issue a warrant authorizing a peace officer to bring a child to a place of safety in circumstances involving the child leaving or being removed from the care of a child welfare authority. The Schedule also amends a cross-reference in clause 280 (1) (a) of the Act and makes amendments respecting the way in which service providers under the Act are to make requested corrections to records.

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

Subsection 291 (2) of the *City of Toronto Act, 2006*, which sets out how certain property taxes are to be determined, is amended to include rules about recalculating property taxes when there is a change to the permitted uses of land.

**SCHEDULE 7
COMMODITY FUTURES ACT**

The Schedule amends the *Commodity Futures Act*.

Section 12 of the Act currently prohibits persons or companies from disclosing certain information about investigations and examinations under the Act, except to the person's or company's counsel. The Schedule amends section 12 to permit disclosure of certain information to a person's or company's insurer or insurance broker under specified conditions.

Section 75 of the Act currently prohibits the Ontario Securities Commission from making orders or rulings of general application. The Schedule amends the Act to allow the Commission to make an order exempting a class of persons or companies, contracts, trades or intended trades from any requirement of Ontario commodity futures law on such terms or conditions as may be set out in the order. The amendments provide for the duration of such an order as well as rules requiring the publication of a notice respecting such an order.

**SCHEDULE 8
CO-OPERATIVE CORPORATIONS ACT**

The Schedule makes various amendments to the *Co-operative Corporations Act*. Here are some highlights:

1. The Minister for the purposes of the Act is changed from the Minister of Finance to the Minister of Government and Consumer Services.
2. Currently, the Act restricts a co-operative from conducting 50 per cent or more of its business with non-members of that co-operative. The Act is amended to remove this restriction, provided that the co-operative's articles of incorporation or by-laws authorize it to conduct 50 per cent or more of its business with non-members.
3. The Act is amended such that the functions relating to offering statements currently attributed to the Minister are attributed to the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario.
4. Provisions requiring that a co-operative file certain statements with the Minister are repealed.
5. The conditions that must be met for a co-operative to be exempt from certain audit provisions in the Act are amended.
6. The Act is amended to provide that at least 75 per cent of permanent full-time employees and 75 per cent of all employees must be members of a co-operative whose articles provide that its primary object is to provide employment to its members, subject to a different proportion being prescribed by regulation.

**SCHEDULE 9
DANGEROUS GOODS TRANSPORTATION ACT**

The *Dangerous Goods Transportation Act* is amended to provide that the Minister, the Ministry of Transportation and the Registrar of Motor Vehicles may do things by electronic means or in electronic formats, and to add regulation-making powers relating to the admissibility of electronic documents in court.

**SCHEDULE 10
DEVELOPMENT CHARGES ACT, 1997**

Section 26.1 of the *Development Charges Act, 1997*, which is not yet in force, sets out rules for when a development charge is payable in respect of certain types of development. The Schedule removes industrial development and commercial development from the types of development in section 26.1.

**SCHEDULE 11
EGYPTIAN HERITAGE MONTH ACT, 2019**

The Schedule enacts the *Egyptian Heritage Month Act, 2019*, which proclaims the month of July in each year as Egyptian Heritage Month.

**SCHEDULE 12
FINANCIAL PROFESSIONALS TITLE PROTECTION ACT, 2019**

The Schedule amends the *Financial Professionals Title Protection Act, 2019* by repealing the Lieutenant Governor in Council's power to make regulations in respect of transitional matters and exemptions and by authorizing the Financial Services Regulatory Authority to make rules in respect of those matters.

**SCHEDULE 13
FISH AND WILDLIFE CONSERVATION ACT, 1997**

Currently subsection 36 (1) of the *Fish and Wildlife Conservation Act, 1997* prohibits a hunter or trapper who kills game wildlife, other than furbearing mammals, from abandoning it if its flesh may become unsuitable for human consumption. Subsection 36 (2) prohibits a person who possesses game wildlife that was hunted or trapped, other than furbearing mammals, from permitting its flesh to become unsuitable for human consumption. A new subsection 36 (2.1) is added to provide an exemption from subsections 36 (1) and (2) only in respect of double-crested cormorants in the circumstances prescribed by the regulations. A new paragraph 27.1 is added to section 112 to allow the Lieutenant Governor in Council to make a regulation prescribing the circumstances in which subsections 36 (1) and (2) do not apply.

**SCHEDULE 14
GASOLINE TAX ACT**

Section 2 of the *Gasoline Tax Act* currently sets out the tax rate payable by a purchaser of aviation fuel. Subsection 2 (2) is re-enacted to set out the current tax rate, which is 6.7 cents per litre. A new subsection 2 (2.1) provides that the tax rate is 2.7 cents per litre in circumstances where the purchaser takes possession of the fuel in Northern Ontario and the fuel is transferred into a tank of an aircraft in Northern Ontario. Under new subsection 2 (2.2), if a purchaser takes possession of the fuel in Ontario but outside Northern Ontario and the purchased fuel is transferred into the fuel tank of an aircraft in Northern Ontario, the purchaser is deemed to have made an overpayment of tax equal to the difference between the amount of tax paid and the tax that would have been paid if the rate was 2.7 cents per litre.

Subsection 28 (2) of the Act currently provides that interest payable on an overpayment made under the Act is to be computed and compounded daily beginning on the date the overpayment arose. The subsection is amended to provide that, in the case of applications for a refund after December 31, 2019, interest is to be computed and compounded daily beginning on the date the application for a refund is made.

**SCHEDULE 15
HEALTH INSURANCE ACT**

Numerous changes are made to the *Health Insurance Act*. Among the changes:

1. Arrangements entered into by the Minister under clause 2 (2) (a) of the Act are deemed to include provisions provided for in the regulations.
2. The provisions governing the Physician Payment Review Board and the Medical Eligibility Committee are repealed. They are allowed to conclude matters that were before them.
3. Rules concerning health cards are set out.
4. Rules regarding records and information are provided for.
5. Rules are set out concerning the power of the General Manager to refuse to pay claims for services, pay reduced amounts, pay for services actually provided other than those described in a claim or seek reimbursement for amounts paid.
6. The General Manager is authorized to publish information, including personal information other than personal health information, that relates to any payments to a physician, practitioner or health facility,
7. New rules for hearings by the Appeal Board are set out.
8. Reviewers to conduct inspections are provided for, and rules are set out about inspections.
9. Various other changes of a housekeeping nature are made.

Related and consequential amendments are made to other Acts.

**SCHEDULE 16
HELLENIC HERITAGE MONTH ACT, 2019**

The Schedule enacts the *Hellenic Heritage Month Act, 2019*, which proclaims the month of March in each year as Hellenic Heritage Month.

**SCHEDULE 17
HIGHER EDUCATION QUALITY COUNCIL OF ONTARIO ACT, 2005**

The Schedule provides that it is a function of the Higher Education Quality Council of Ontario to evaluate anything specified by the Minister, including programs and services provided by the Ministry or other programs and services related to post-secondary education that are provided or funded by the Government of Ontario, in whole or in part, and to report to the Minister on the results of the evaluation.

SCHEDULE 18 HIGHWAY TRAFFIC ACT

Numerous amendments are made to the *Highway Traffic Act*, including the following:

1. Regulation-making powers are added relating to the use of electronic documents.
2. The Act is amended to provide that regulations may govern whether evidence of validation is required to be affixed to a number plate.
3. Offence provisions are added relating to the submission, display, presentation or surrender of false or inaccurate documents, and other related changes are made.
4. Amendments relating to record-keeping are made, including amendments to permit the use of electronic documents and electronic methods in record-keeping and the addition of provisions respecting records kept by dealers of second-hand motor vehicles, trailers or bicycles.

SCHEDULE 19 INDEPENDENT HEALTH FACILITIES ACT

Numerous changes are made to the *Independent Health Facilities Act*. Among the changes:

1. The rules for applications to establish and operate independent health facilities are changed, particularly by changing from a “request for proposals” process to a “call for applications” process.
2. New rules are established regarding the issuing of licences and applications for licences and for the transfer, revocation and suspension of licences.
3. Rules regarding record-keeping are provided for.
4. Rules are set out regarding when the Minister may refuse to pay claims for services, pay reduced amounts, pay for services actually provided other than those described in a claim or require reimbursement for amounts paid.
5. New rules regarding hearings by the Board and appeals from its decisions are established.
6. New rules for inspectors and inspections are provided for.
7. The Director and prescribed persons may make compliance orders.
8. Various changes of a housekeeping nature are made.

SCHEDULE 20 INTERIM APPROPRIATION FOR 2020-2021 ACT, 2019

The Schedule enacts the *Interim Appropriation for 2020-2021 Act, 2019*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2021 up to specified maximum amounts. All expenditures made or recognized under the Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2021.

SCHEDULE 21 LIQUOR CONTROL BOARD OF ONTARIO ACT, 2019

The Schedule enacts the *Liquor Control Board of Ontario Act, 2019*, which continues the Liquor Control Board of Ontario and provides for its objects as well as various other matters relevant to the functioning of the Board. The Schedule repeals sections 1 to 8 of the *Liquor Control Act*, which relate to the Board, and makes consequential amendments to various other Acts.

As was the case under predecessor *Liquor Control Act* provisions that are being repealed, the Board’s objects under the *Liquor Control Board of Ontario Act, 2019* include buying, selling and importing liquor, as well as controlling its importation. Schedule 22 to the Bill enacts the *Liquor Licence and Control Act, 2019*, certain provisions of which also relate to the Board’s functions respecting the importation of liquor. The *Liquor Licence and Control Act, 2019* establishes certain regulatory powers and duties of the Alcohol and Gaming Commission of Ontario that are analogous to regulatory powers and duties of the Board under the provisions of the *Liquor Control Act* that are being repealed.

SCHEDULE 22 LIQUOR LICENCE AND CONTROL ACT, 2019

The Schedule enacts the *Liquor Licence and Control Act, 2019* and repeals the *Liquor Licence Act* and the *Wine Content and Labelling Act, 2000*. The new Act is substantially similar to the *Liquor Licence Act* and Part II of the *Liquor Control Act*, except for corporate matters related to the Liquor Control Board of Ontario, and contains various regulatory authorities substantially similar to regulatory authorities currently contained in those Acts.

In addition to providing for the issuing of new licences and permits, the Act provides for the continuation of existing licences, permits and authorizations granted under the *Liquor Licence Act* and the *Liquor Control Act*.

The regulatory authority in the Act includes the ability to govern some matters currently dealt with in the *Wine Content and Labelling Act, 2000*.

SCHEDULE 23 METROPOLITAN TORONTO CONVENTION CENTRE CORPORATION ACT

The *Metropolitan Toronto Convention Centre Corporation Act* is amended to permit the Board of Directors of the Corporation, with the approval of the Minister, to change the name of the convention centre facility that the Corporation operates in the City of Toronto.

SCHEDULE 24 MOTORIZED SNOW VEHICLES ACT

The *Motorized Snow Vehicles Act* is amended to provide that the Minister, the Ministry and the Registrar of Motor Vehicles may do things by electronic means or in electronic formats. Regulation-making powers are added relating to the use of electronic documents, and governing the validation of permits and whether evidence of validation is required. Offence provisions are added relating to the submission, display, presentation or surrender of false or inaccurate documents.

SCHEDULE 25 MUNICIPAL ACT, 2001

Subsection 329 (2) of the *Municipal Act, 2001*, which sets out how certain property taxes are to be determined, is amended to include rules about recalculating property taxes when there is a change to the permitted uses of land.

SCHEDULE 26 OFF-ROAD VEHICLES ACT

The *Off-Road Vehicles Act* is amended to provide that the Minister, the Ministry and the Registrar may do things by electronic means or in electronic formats, and to add regulation-making powers relating to the use of electronic documents. An offence is added to the Act relating to false or inaccurate documents.

SCHEDULE 27 OMBUDSMAN ACT

The Schedule amends the *Ombudsman Act* to provide that a person who is subject to Part X of the *Child, Youth and Family Services Act, 2017* is not prevented by any provision of that Part from providing to the Ombudsman personal information that the Ombudsman requires.

SCHEDULE 28 ONTARIO DRUG BENEFIT ACT

Section 6 of the *Ontario Drug Benefit Act* is amended to require the executive officer to deduct from the amount the executive officer pays to an operator of a pharmacy an amount determined in accordance with the regulations. The Act is also amended to allow the Lieutenant Governor in Council to make regulations governing the manner in which the executive officer determines any additional amount to be subtracted and to allow the public consultation process currently set out in the Act to apply to the making of these regulations.

SCHEDULE 29 PENSION BENEFITS ACT

The Schedule amends the *Pension Benefits Act* as follows:

1. Subsection 14 (5) of the Act is repealed. That provision currently sets out an exception to subsection 14 (1) where an amendment to a pension plan is made in the context of a transfer of assets authorized by section 80.1 which was repealed in 2017.
2. Clause 79.1 (1) (a) of the Act currently sets out provisions that authorize a transfer of assets between pension plans relating to the provision of defined benefits. The clause is amended to remove the reference to section 80.1 which was repealed in 2017. In addition, currently unproclaimed amendments to clause 79.1 (1) (a) are also repealed.
3. Currently, section 80.4 of the Act governs a conversion of a single employer pension plan to a jointly sponsored pension plan through a transfer of assets and liabilities. Subsection 80.4 (3) currently provides that if the single employer pension plan provides defined contribution benefits as well as defined benefits, the transfer in respect of the defined contribution benefits must comply with the prescribed requirements, if any. The subsection is re-enacted to permit the employer of the single employer pension plan to elect to transfer the assets in respect of the defined contribution benefits and if the employer so elects, the transfer must comply with the prescribed requirements, if any.

SCHEDULE 30 PERSONAL HEALTH INFORMATION PROTECTION ACT, 2004

The *Personal Health Information Protection Act, 2004* ("PHIPA") is amended. Among the changes:

1. Using personal health information that has been de-identified to identify an individual is prohibited, subject to certain exceptions.
2. The Information and Privacy Commissioner is given the power to order the return of records of personal health information that were improperly collected, used or disclosed.
3. Regulation making powers are established concerning the role of Ontario Health under the Act, including prescribing under what circumstances a person or entity or group of persons or entities designated under subsection 29 (1) of the *Connecting Care Act, 2019* may collect, use and disclose personal health information.

The *Connecting Care Act, 2019* is amended to extend the protection from liability provided for actions under that Act to prescribed provisions of PHIPA and its regulations.

SCHEDULE 31 PLANNING ACT

New section 37 of the *Planning Act*, which is not yet in force, is amended to set out a process for a person or public body to appeal a community benefits charge by-law to the Local Planning Appeal Tribunal.

A transitional provision is added to section 42 of the Act (by-laws requiring parkland as a condition of development or redevelopment) in respect of amendments to that section that are not yet in force.

Section 51.1 of the Act (parkland as a condition to approval of a plan of subdivision) contains a transitional provision in respect of amendments to that section that are not yet in force. This transitional provision is amended and another one is added.

SCHEDULE 32 PROVINCIAL DAY OF ACTION ON LITTER ACT, 2019

The Schedule enacts the *Provincial Day of Action on Litter Act, 2019*, which proclaims the second Tuesday in May in each year as the Provincial Day of Action on Litter.

SCHEDULE 33 PROVINCIAL OFFENCES ACT

Section 23 of the *Provincial Offences Act* is amended to provide for a written process by which a provincial offences officer may lay an information under that section.

SCHEDULE 34 SECURITIES ACT

The Schedule amends the *Securities Act*.

Section 16 of the Act currently prohibits persons or companies from disclosing certain information about investigations and examinations under the Act, except to the person's or company's counsel. The Schedule amends section 16 to permit disclosure of certain information to a person's or company's insurer or insurance broker under specified conditions.

Section 109 of the Act currently requires that where voting securities are registered in the name of a person or company other than the beneficial owner and the person or company knows that they are beneficially owned by an insider and that the insider has failed to file a report of such ownership with the Ontario Securities Commission as required by Part XXI of the Act, the person or company shall file a report. The Schedule repeals section 109.

Section 143.11 of the Act currently prohibits the Commission from making orders or rulings of general application. The Schedule amends the Act to allow the Commission to make an order exempting a class of persons or companies, trades, intended trades, securities or derivatives from any requirement of Ontario securities law on such terms or conditions as may be set out in the order. The amendments provide for the duration of such an order as well as rules requiring the publication of a notice respecting such an order.

SCHEDULE 35 SHORTLINE RAILWAYS ACT, 1995

The *Shortline Railways Act, 1995* is amended to provide that the Minister, the Ministry of Transportation and the registrar may do things by electronic means or in electronic formats.

SCHEDULE 36 SUPPLEMENTARY INTERIM APPROPRIATION FOR 2019-2020 ACT, 2019

The Schedule enacts the *Supplementary Interim Appropriation for 2019-2020 Act, 2019*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2020 up to specified maximum amounts. The expenditures authorized are in addition to those authorized under the *Interim Appropriation for 2019-2020 Act, 2018*. All expenditures made or recognized under the *Interim Appropriation for 2019-2020 Act, 2018* and this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2020.

SCHEDULE 37
SUPPLY CHAIN MANAGEMENT ACT (GOVERNMENT, BROADER PUBLIC SECTOR
AND HEALTH SECTOR ENTITIES), 2019

The Schedule enacts the *Supply Chain Management Act (Government, Broader Public Sector and Health Sector Entities), 2019*. The following are some of the highlights of the Act:

The purposes of the Act are set out in section 1 of the Act.

The Act provides that government entities, broader public sector entities and health sector entities must comply with regulations governing how they carry out supply chain management and requiring them to implement specified vendor performance standards and practices.

The Act permits the Lieutenant Governor in Council to designate or create a supply chain management entity to provide or support supply chain management on behalf of other entities.

SCHEDULE 38
TAXATION ACT, 2007

Currently, section 19.1 of the *Taxation Act, 2007* provides the Ontario dividend tax credit for years 2016 and later. The section is amended to provide that the tax credit includes 22.895 per cent of the amount required under subparagraph 82 (1) (b) (i) of the *Income Tax Act* (Canada) to be included in income for taxation years ending after December 31, 2019.

Subsection 31 (4) of the Act sets out rules for calculating a corporation's small business deduction rate for a taxation year. The subsection is amended to provide that the deduction rate is 8.3 per cent for days in a taxation year after December 31, 2019.

SCHEDULE 39
TOBACCO TAX ACT

Section 2.2 of the *Tobacco Tax Act* is amended to prohibit the possession of a marker that is issued by the Minister but is not affixed to a bale or package, except in certain circumstances. Amendments are also made to provide that it is an offence to contravene this prohibition and to permit the Minister to assess a penalty in cases of non-compliance.

Section 11 of the Act is amended to permit the Minister to immediately suspend a person's registration certificate or permit if the Minister has reasonable grounds to believe that the person has not engaged in the relevant activity for a period of at least six consecutive months. The amendments also provide for the cancellation of the registration certificate or permit after a specified time, unless the person requests a hearing to show why the registration certificate or permit should not be cancelled.

Currently, subsection 19 (2) of the Act permits the Minister to assess a penalty against a person who fails to collect tax that the person is responsible to collect under the Act or the regulations. Subsection 19 (11) currently sets out a limitation period that applies to the assessment of those penalties. Amendments are made to permit the Minister to assess a penalty after the limitation period if the person has filed a waiver with the Minister within the specified time.

Section 23.0.2 (1) of the Act currently authorizes the seizure of raw leaf tobacco by an authorized person in specified circumstances. The subsection is amended to include circumstances where the tobacco has been offered for sale or kept for sale, or is being offered for sale or kept for sale, in contravention of section 2.3.

Currently, if cigars or other tobacco are seized from a person under section 29.1 of the Act, the person may apply to the Superior Court of Justice to establish a right of possession to the cigars or other tobacco. Subsection 29.1 (2.3) sets out the circumstances in which a person has a right to possession and includes where the person, at the time of seizure, was in possession or control of not more than 50 cigars or one kilogram of other tobacco. The clause that sets out that circumstance is repealed.

SCHEDULE 40
TORONTO STOCK EXCHANGE ACT

The Schedule repeals the *Toronto Stock Exchange Act*.

An Act to implement Budget measures and to enact, amend and repeal various statutes

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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 *Plan to Build Ontario Together Act, 2019*.

SCHEDULE 1 ALCOHOL AND GAMING COMMISSION OF ONTARIO ACT, 2019

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INTERPRETATION

Definitions

1 (1) In this Act,

“Commission” means the Alcohol and Gaming Commission of Ontario continued under subsection 2 (1); (“Commission”)

“Minister” means the minister responsible for the administration of this Act; (“ministre”)

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

“Registrar” means the Registrar appointed by the board of directors of the Commission; (“registrateur”)

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

Alcohol, cannabis, gaming and horse racing statutes

(2) For the purposes of this Act, the following are the alcohol, cannabis, gaming and horse racing statutes:

1. The *Liquor Licence and Control Act, 2019*.
2. The *Cannabis Licence Act, 2018*.
3. The *Gaming Control Act, 1992*.
4. The *Horse Racing Licence Act, 2015*.

ALCOHOL AND GAMING COMMISSION OF ONTARIO

Commission continued

2 (1) The Alcohol and Gaming Commission of Ontario is continued as a corporation without share capital.

Board of directors

(2) The Commission shall have a board of directors consisting of the members appointed in accordance with subsection 5 (1).

Non-application of *Corporations Information Act*

(3) The *Corporations Information Act* does not apply to the Commission.

Non-application of *Corporations Act*

(4) Subject to subsection (5), the *Corporations Act* does not apply to the Commission.

Regulations

(5) The regulations may specify provisions of the *Corporations Act* that apply to the Commission, with or without any prescribed modifications.

Objects

3 (1) The Commission has the following objects:

1. To exercise the powers and perform the duties assigned under this or any other Act to the Commission.
2. To administer the alcohol, cannabis, gaming and horse racing statutes and the regulations made under them.
3. To engage in such other activities as may be prescribed.

Duty to act in the public interest

(2) The Commission shall exercise its powers and perform its duties in the public interest and in accordance with the principles of honesty and integrity, and social responsibility.

General powers

4 (1) Except as limited by this Act, the Commission has the capacity, rights and powers of a natural person for carrying out its objects.

Cabinet approval

(2) The Commission shall not exercise the following powers without the approval of the Lieutenant Governor in Council:

1. Acquiring, disposing of, leasing, mortgaging, charging or otherwise transferring or encumbering any interest in real property, except for leasing space that is reasonably necessary for the purposes of the Commission.
2. Borrowing or lending money.
3. Pledging, charging or encumbering any of its personal property.
4. Creating a subsidiary.

BOARD OF DIRECTORS

Board of directors

5 (1) The board of directors of the Commission consists of not more than 11 members appointed by the Lieutenant Governor in Council.

Remuneration

(2) The members are entitled to be paid remuneration and reimbursement for reasonable expenses as determined by the Lieutenant Governor in Council.

Chair and vice-chairs

(3) The Lieutenant Governor in Council shall designate one of the members as the chair and may designate one or more members as vice-chairs.

Acting chair

(4) If the chair is absent or unable to act, or if the office of the chair is vacant, a vice-chair shall act as the chair.

Same

(5) If the chair and vice-chairs are absent, the members present shall appoint an acting chair from among themselves.

Quorum

(6) A majority of the members constitutes a quorum of the board.

Powers and duties of the board

6 (1) The board of directors of the Commission shall manage and supervise the activities and affairs of the Commission.

By-laws

(2) The board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Commission.

Guidelines

(3) The board may establish guidelines governing the exercise of any of the powers and the performance of any duties under this Act or the administration of this Act and any of the alcohol, cannabis, gaming and horse racing statutes.

Delegation

(4) The board may delegate in writing any of its powers and duties to one or more officers or employees of the Commission other than the power to,

- (a) make, amend or repeal by-laws of the Commission;
- (b) establish fees and charges under section 13; and
- (c) establish a schedule of monetary penalties under section 14.

Conditions

(5) A delegation made under subsection (4) is subject to any conditions set out in the delegation.

Duty to inform Minister

(6) The board shall,

- (a) inform the Minister of any matters that are of an urgent, critical or relevant nature and that are likely to require action by the Commission or the Minister to ensure that the Commission is able to properly carry out its objects and advise the Minister with respect to such matters; and
- (b) advise or report to the Minister on any matter that the Minister may refer to the Commission relating to this Act or to the administration of any of the alcohol, cannabis, gaming and horse racing statutes.

Information

(7) The board may require that any information related to the administration of this Act or of any of the alcohol, cannabis, gaming and horse racing statutes be provided in a manner approved by the board.

REGISTRAR, EMPLOYEES, ETC.

Registrar

7 (1) The board of directors of the Commission shall appoint a Registrar for the purposes of this Act, the alcohol, cannabis, gaming and horse racing statutes and any regulations made under them.

Deputy Registrars

(2) The Registrar may appoint one or more Deputy Registrars and may delegate his or her powers or duties to them, subject to any conditions set out in the delegation.

Transition

(3) The person who is the Registrar for the purposes of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* immediately before this section comes into force is deemed to have been appointed by the board as the Registrar under subsection (1).

Registrar's certificate

8 (1) The Registrar may issue a certificate that contains information concerning any of the following matters with respect to this Act or any of the alcohol, cannabis, gaming and horse racing statutes:

- 1. The issuance or non-issuance of a licence, permit, authorization or endorsement.
- 2. The registration or non-registration of any person.
- 3. The filing or non-filing of any document or material required to be filed with the Commission.
- 4. The time when the facts upon which a proceeding is based first came to the knowledge of the Registrar.

5. Any other matter pertaining to any licence, permit, authorization, registration or endorsement under the alcohol, cannabis, gaming and horse racing statutes or to the filing or non-filing of any document under those Acts.

Admissibility of certificate

(2) The certificate is, without proof of the office or signature of the Registrar, receivable in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the certificate.

Employees

9 (1) The Commission may appoint such employees as it determines are necessary for the proper conduct of its affairs.

Same

(2) Subject to the approval of the Lieutenant Governor in Council, the board of directors of the Commission shall establish job categories, salary ranges and terms and conditions of employment for its employees.

Immunity of employees and others

10 (1) No cause of action arises against,

- (a) a director, officer or employee of the Commission as a result of any act done in good faith in the performance or intended performance of their duties under this Act or any of the alcohol, cannabis, gaming and horse racing statutes or any alleged neglect or default in the performance in good faith of those duties; or
- (b) the Crown, a minister of the Crown, or an employee of the Crown as a result of any act or omission of a person who is not a minister of the Crown or a Crown employee, if the act or omission is related, directly or indirectly, to the Commission's affairs or to the administration of this Act or any of the alcohol, cannabis, gaming and horse racing statutes.

No proceeding

(2) No proceeding shall be instituted against,

- (a) a director, officer or employee of the Commission by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (a); or
- (b) the Crown, a minister of the Crown or an employee of the Crown by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (b).

Same

(3) Subsections (1) and (2) do not relieve the Commission of any liability to which it would otherwise be subject.

FINANCIAL MATTERS AND MONETARY PENALTIES

Funding

11 Money required for the purpose of this Act shall be paid out of the money appropriated for that purpose by the Legislature.

Certain financial powers and duties

12 (1) Subject to the approval of Treasury Board, the Commission may direct the Ontario Lottery and Gaming Corporation to pay to the Commission such money as it directs, and that money may be used for the purposes of the Commission.

Monetary penalties received

(2) If the Commission receives money from monetary penalties imposed with respect to contraventions of any of the alcohol, cannabis, gaming and horse racing statutes, the money may only be used for the following purposes:

- 1. Public awareness, education and training programs for the general public in relation to alcohol, cannabis, gaming and horse racing.
- 2. Education and training programs for licence holders, permit holders, authorization holders, registrants and other persons governed by the alcohol, cannabis, gaming and horse racing statutes.

Fees and charges

13 (1) The board of directors of the Commission may,

- (a) establish fees or other charges, subject to the approval of the Minister;
- (b) provide for the waiver of fees and charges; and
- (c) provide for refunds for the purposes of this Act and the administration of any of the alcohol, cannabis, gaming and horse racing statutes or any regulations made under them.

Not regulations

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to any document created under subsection (1) governing fees or charges.

Publication

(3) The Registrar shall publish any document establishing fees or charges on the Commission's website or by any other method that may be prescribed.

Monetary penalties

Definition

14 (1) In this section,

"Tribunal" means the Licence Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999*.

Schedule of monetary penalties

(2) Subject to the approval of the Minister, the board of directors of the Commission may establish a schedule of monetary penalties that may be imposed with respect to contraventions of any of the alcohol, cannabis, gaming and horse racing statutes or any regulations made under them.

Not regulations

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the schedule of monetary penalties.

Publication

(4) The Registrar shall publish the schedule of monetary penalties on the Commission's website or by any other method that may be prescribed.

Registrar's power to impose penalties

(5) The Registrar may impose monetary penalties set out in the schedule of monetary penalties by serving notice of the monetary penalty.

Guidelines to be considered

(6) In determining whether to impose a monetary penalty, the Registrar shall have regard to any guidelines governing the imposition of such penalties established by the board under subsection 6 (3).

Appeal

(7) Subject to subsection (8), a person on whom a monetary penalty is imposed may appeal to the Tribunal by serving a written request on the Tribunal and the Registrar within 15 days after the Registrar serves notice of the monetary penalty.

No appeal re rules of racing

(8) The Registrar's decision to impose a monetary penalty for contravening the rules of racing made under the *Horse Racing Licence Act, 2015* may not be appealed to the Tribunal.

Procedure on appeal

(9) A hearing before the Tribunal shall be held in accordance with the *Licence Appeal Tribunal Act, 1999*.

Powers of Tribunal on hearing

(10) Upon holding a hearing, the Tribunal may confirm the monetary penalty or set it aside.

Decision final

(11) A decision of the Tribunal under subsection (10) is final.

Annual report

15 (1) The Commission shall prepare an annual report, provide it to the Minister and make it available to the public.

Same

(2) The Commission shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

Same

(3) The Commission shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

(4) The Minister shall table the Commission's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

REGULATIONS

Regulations

16 The Lieutenant Governor in Council may make regulations,

- (a) respecting anything that this Act refers to as provided for in the regulations;
- (b) respecting any matter necessary to facilitate the implementation of this Act.

AMENDMENT TO THIS ACT, REPEAL, AND REVOCATIONS

Amendment to this Act

17 Subsections 2 (4) and (5) of this Act are amended by striking out "*Corporations Act*" and substituting "*Not-for-Profit Corporations Act, 2010*".

Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996

18 Part I of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* is repealed.

Revocations

19 The following regulations made under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* are revoked:

1. Ontario Regulation 469/18 (Monetary Penalties: Prescribed Legislation).
2. Ontario Regulation 141/01 (Assignment of Powers and Duties).

CONSEQUENTIAL AMENDMENTS

Cannabis Licence Act, 2018

20 (1) The definition of "Commission" in subsection 1 (1) of the *Cannabis Licence Act, 2018* is amended by striking out "established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "continued under the *Alcohol and Gaming Commission of Ontario Act, 2019*".

(2) The definition of "Registrar" in subsection 1 (1) of the Act is amended by striking out "*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "*Alcohol and Gaming Commission of Ontario Act, 2019*".

(3) Subsection 46 (1) of the Act is amended by striking out "section 7 of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "section 9 of the *Alcohol and Gaming Commission of Ontario Act, 2019*".

Gaming Control Act, 1992

21 (1) The definition of "Board" in subsection 1 (1) of the *Gaming Control Act, 1992* is amended by striking out "established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "continued under the *Alcohol and Gaming Commission of Ontario Act, 2019*".

(2) The definition of "Registrar" in subsection 1 (1) of the Act is amended by striking out "*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "*Alcohol and Gaming Commission of Ontario Act, 2019*".

Horse Racing Licence Act, 2015

22 (1) The definitions of "Board" and "Commission" in section 1 of the *Horse Racing Licence Act, 2015* are amended by striking out "established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" wherever it appears and substituting in each case "continued under the *Alcohol and Gaming Commission of Ontario Act, 2019*".

(2) The definition of "Registrar" in section 1 of the Act is amended by striking out "*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "*Alcohol and Gaming Commission of Ontario Act, 2019*".

Licence Appeal Tribunal Act, 1999

23 (1) Subsection 5.1 (1) of the *Licence Appeal Tribunal Act, 1999* is amended by striking out "under section 14.1 of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*" and substituting "under section 14 of the *Alcohol and Gaming Commission of Ontario Act, 2019*".

(2) Subsection 5.1 (2) of the Act is amended by striking out “*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*” and substituting “*Alcohol and Gaming Commission of Ontario Act, 2019*”.

(3) Subsection 11 (4) of the Act is amended by striking out “*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*” and substituting “*Alcohol and Gaming Commission of Ontario Act, 2019*”.

Ontario Lottery and Gaming Corporation Act, 1999

24 Paragraph 4 of subsection 14 (1) of the *Ontario Lottery and Gaming Corporation Act, 1999* is amended by striking out “under subsection 8 (2) of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*” at the end and substituting “under subsection 12 (1) of the *Alcohol and Gaming Commission of Ontario Act, 2019*”.

COMMENCEMENT AND SHORT TITLE

Commencement

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

Short title

26 The short title of the Act set out in this Schedule is the *Alcohol and Gaming Commission of Ontario Act, 2019*.

SCHEDULE 2
ALCOHOL, CANNABIS AND GAMING REGULATION AND PUBLIC PROTECTION ACT, 1996

1 The short title of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* is repealed and the following substituted:

Liquor Tax Act, 1996

2 The Act is amended by striking out “this Part” wherever it appears and substituting in each case “this Act”.

3 Except in the English version of subparagraph 2 ii of subsection 17 (6), the Act is amended by striking out “Board” wherever it appears and substituting in each case “LCBO”.

4 The English version of the Act is amended by,

- (a) striking out “wine coolers” wherever it appears and substituting in each case “wine cooler”;
- (b) striking out “a wine cooler” wherever it appears and substituting in each case “wine cooler”; and
- (c) striking out “an Ontario wine cooler” wherever it appears and substituting in each case “Ontario wine cooler”.

5 (1) The definition of “agency store” in subsection 17 (1) of the Act is repealed and the following substituted:

“agency store” means a retail store operated by an agent of the LCBO pursuant to paragraph 1 of section 3 of the *Liquor Control Board of Ontario Act, 2019*; (“magasin-agence”)

(2) Subsection 17 (1) of the Act is amended by adding the following definition:

“adjustment date” means a date in a year prescribed for the purposes of section 26; (“date de rajustement”)

(3) The definition of “annual adjustment date” in subsection 17 (1) of the Act is repealed.

(4) The definition of “authorized beer manufacturer” in subsection 17 (1) of the Act is repealed.

(5) The definition of “authorized grocery store” in subsection 17 (1) of the Act is amended by striking out “authorized under clause 3 (1) (e.1) of the *Liquor Control Act*” and substituting “licensed under the *Liquor Licence and Control Act, 2019*”.

(6) The definition of “beer” in subsection 17 (1) of the Act is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(7) The definition of “beer manufacturer” in subsection 17 (1) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of subclause (c) (ii) and by adding the following clause:

- (d) a person who makes beer in a province or territory of Canada other than Ontario and who, for the purpose of selling the beer to purchasers in Ontario, ships the beer to Ontario in a prescribed manner;

(8) The definition of “beer manufacturer” in subsection 17 (1) of the Act, as amended by subsection (7), is repealed and the following substituted:

“beer manufacturer” means a manufacturer licensed under the *Liquor Licence and Control Act, 2019* to sell its beer to the LCBO or in stores that it owns and operates; (“fabricant de bière”)

(9) The definition of “beer vendor” in subsection 17 (1) of the Act is repealed.

(10) The definition of “Board” in subsection 17 (1) of the Act is repealed.

(11) The definition of “collector” in subsection 17 (1) of the Act is repealed and the following substituted:

“collector” means a licensee that is permitted to sell liquor, an agency store, an operator of a secondary location of a brew pub or, if it remits taxes to the Minister, an affiliate of a winery; (“percepteur”)

(12) The definition of “Commission” in subsection 17 (1) of the Act is amended by striking out “established under section 2” and substituting “continued under the *Alcohol and Gaming Commission of Ontario Act, 2019*”.

(13) The definition of “distillery retail store” in subsection 17 (1) of the Act is amended by striking out “authorized under clause 3 (1) (e) of the *Liquor Control Act*” and substituting “licensed under the *Liquor Licence and Control Act, 2019*”.

(14) Clause (a) of the definition of “draft beer” in subsection 17 (1) of the Act is amended by striking out “made by a beer manufacturer”.

(15) The definition of “increase date” in subsection 17 (1) of the Act is repealed.

(16) Subsection 17 (1) of the Act is amended by adding the following definition:

“LCBO” means the Liquor Control Board of Ontario continued under the *Liquor Control Board of Ontario Act, 2019*; (“Régie des alcools”)

(17) The definition of “licence” in subsection 17 (1) of the Act is repealed and the following substituted:

“licence” means a licence issued under the *Liquor Licence and Control Act, 2019*; (“permis”)

(18) The definition of “licensee” in subsection 17 (1) of the Act is repealed and the following substituted:

“licensee” means a person who holds a licence or who holds a permit issued under the *Liquor Licence and Control Act, 2019*; (“titulaire de permis”)

(19) The definition of “liquor” in subsection 17 (1) of the Act is repealed and the following substituted:

“liquor” has the same meaning as in the *Liquor Licence and Control Act, 2019*; (“boisson alcoolisée”)

(20) The definition of “non-draft beer” in subsection 17 (1) of the Act is amended by striking out “made by a beer manufacturer”.

(21) The definition of “Ontario wine” in subsection 17 (1) of the Act is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(22) The French version of the definition of “purchaser” in subsection 17 (1) of the Act is amended by striking out “boissons alcooliques” wherever it appears and substituting in each case “boissons alcoolisées”.

(23) The definition of “spirits” in subsection 17 (1) of the Act is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(24) The definition of “spirits manufacturer” in subsection 17 (1) of the Act is amended by striking out “authorized under the *Liquor Control Act* to sell its spirits” and substituting “licensed under the *Liquor Licence and Control Act, 2019* to sell its spirits to the LCBO or”.

(25) The definition of “wine” in subsection 17 (1) of the Act is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(26) Clause (b) of the definition of “wine boutique” in subsection 17 (1) of the Act is amended by striking out “authorized under the *Liquor Control Act*” and substituting “licensed under the *Liquor Licence and Control Act, 2019*”.

(27) The definition of “winery” in subsection 17 (1) of the Act is repealed and the following substituted:

“winery” means a manufacturer licensed under the *Liquor Licence and Control Act, 2019* to sell wine or wine cooler to the LCBO or in stores that it owns and operates; (“établissement vinicole”)

(28) The definition of “winery retail store” in subsection 17 (1) of the Act is repealed and the following substituted:

“winery retail store” means a store in Ontario owned and operated by a winery from which the winery is licensed under the *Liquor Licence and Control Act, 2019* to sell wine and wine cooler to purchasers; (“magasin de détail d’établissement vinicole”)

(29) Subsection 17 (2) of the Act is repealed and the following substituted:

Persons deemed to be purchasers

(2) If a collector distributes liquor in Ontario without charge or purchases liquor that is not sold to another person, the collector is deemed to be a purchaser that is liable to pay tax under this Act in respect of the liquor that is distributed without charge or purchased and not sold.

(30) The French version of subsection 17 (3) of the Act is amended by striking out “boissons alcooliques” in the portion before clause (a) and substituting “boissons alcoolisées”.

(31) Clause 17 (3) (a) of the Act is repealed and the following substituted:

(a) if the purchase is by or from the LCBO or if the liquor was, at any time, purchased from the LCBO;

(32) Clause 17 (3) (c) of the Act is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

(33) The French version of clause 17 (3) (d) of the Act is amended by striking out “boissons alcooliques” in the portion before subclause (i) and substituting “boissons alcoolisées”.

(34) Subclause 17 (3) (d) (ii) of the Act is repealed and the following substituted:

(ii) is from a collector located on the reserve, and

(35) Clause 17 (3) (f) of the Act is repealed.

(36) The French version of clause 17 (3) (g) of the Act is amended by striking out “boissons alcooliques” and substituting “boissons alcoolisées”.

6 The French version of section 18 of the Act is amended by striking out “boissons alcooliques” and substituting “boissons alcoolisées”.

7 (1) Subsections 18.1 (1) and (3) of the Act are amended by striking out “a sales year that begins on or after March 1, 2011” at the end and substituting “a sales year”.

(2) Subsection 18.1 (5) of the Act is amended by striking out “a 12-month period that begins on July 1, 2010 or on a subsequent July 1” and substituting “any 12-month period that begins on July 1”.

(3) Subsection 18.1 (5.1) of the Act is amended by striking out “a 12-month period that begins on July 1 in a year” at the end and substituting “any 12-month period that begins on July 1”.

8 Section 20 of the Act is repealed.

9 (1) Subsection 21 (1) of the Act is amended by striking out “manufactured by a beer manufacturer”.

(2) Subsection 21 (2) of the Act is repealed and the following substituted:

Basic tax rate

(2) The basic tax rate for the purposes of subsection (1) is,

- (a) 72.45 cents per litre for draft beer or, if that rate has been adjusted under section 26, the rate most recently calculated under that section; or
- (b) 89.74 cents per litre for non-draft beer or, if that rate has been adjusted under section 26, the rate most recently calculated under that section.

(3) Subsection 21 (3) of the Act is repealed.

(4) Subsection 21 (4) of the Act is amended by striking out “subsections (1), (2) and (3)” and substituting “subsections (1) and (2)” and by striking out “increase date” wherever it appears and substituting in each case “adjustment date”.

(5) Subsection 21 (4) of the Act is amended by striking out “beer vendor” and substituting “collector”.

10 (1) Section 22 of the Act is amended by adding the following subsection:

Exception, beer made by microbrewer

Definition

(0.1) In this section,

“brewer” means any person that manufactures beer.

(2) Subsection 22 (1) of the Act is amended by striking out “per litre” in the portion before paragraph 1.

(3) Paragraphs 1 and 2 of subsection 22 (1) of the Act are repealed and the following substituted:

- 1. For draft beer, the rate determined by subtracting 36.49 cents from the basic tax rate per litre for draft beer under section 21 that is in effect at the time of the purchase.
- 2. For non-draft beer, the rate determined by subtracting 49.99 cents from the basic tax rate per litre for non-draft beer under section 21 that is in effect at the time of the purchase.

(4) Subsections 22 (1) to (3.2) of the Act are amended by striking out “beer manufacturer” wherever it appears and substituting in each case “brewer”.

(5) The English version of Paragraph 1 of subsection 22 (3) of the Act is amended by striking out “beer manufacturer’s” and substituting “brewer’s”.

(6) Subsection 22 (3.3) of the Act is repealed.

(7) Subsection 22 (4) of the Act is repealed and the following substituted:

Worldwide beer production

(4) The following shall be included in determining the amount of a brewer’s worldwide production of beer for a particular production year for the purposes of this section:

- 1. All beer manufactured during the production year by the brewer, including beer that is manufactured under contract for another brewer.
- 2. All beer manufactured during the production year by an affiliate of the brewer, including beer manufactured by the affiliate under contract for another brewer.
- 3. All beer manufactured during the production year by another brewer under contract for the brewer or for an affiliate of the brewer.

(8) Subsection 22 (6) of the Act is repealed and the following substituted:

List of microbrewers

- (6) The Minister shall compile annually and make available to the public for each sales year a list containing,
- (a) the names of microbrewers that sell beer in Ontario that is subject to tax under this Act for the sales year; and
 - (b) the names of the brands of beer they manufacture.

11 Section 23 of the Act is amended by striking out “manufactured by a beer manufacturer”.

12 Section 24 of the Act is amended by striking out “manufactured by a beer manufacturer”.

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

Beer made at brew pub

(1) Despite section 21, a purchaser of draft beer that was made at a brew pub in Ontario by the holder of the licence with a brew pub endorsement for that brew pub shall pay the basic tax referred to in subsection (2) in respect of the purchase if the beer is purchased at the brew pub or at a secondary location related to the brew pub.

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

Basic tax rate

(2) The basic tax rate for the purposes of subsection (1) is 33.41 cents per litre or, if that rate has been adjusted under section 26, the rate most recently determined under that section.

(3) Subsection 25 (4) of the Act is amended by striking out “increase date” wherever it appears and substituting in each case “adjustment date”.

14 (1) Subsection 26 (1) of the Act is repealed and the following substituted:

Adjustment to basic tax rate

(1) The Minister may, by regulation, prescribe a date in a year as of which the basic tax rates for the purposes of sections 21 and 25 shall be adjusted in accordance with this section.

(2) Subsections 26 (1.1) and (1.2) of the Act are repealed.

(3) Subsection 26 (2) of the Act is repealed and the following substituted:

Calculation of basic tax rates

(2) The basic tax rates, expressed in cents per litre, effective as of the date prescribed by the Minister under subsection (1) shall be calculated using the formula,

$$A + (A \times B)$$

in which,

“A” is the basic tax rate in effect immediately before the date prescribed by the Minister, and

“B” is the index factor calculated under subsection (2.1).

(4) Subsection 26 (3) of the Act is amended by striking out “an annual adjustment date” and substituting “the date prescribed by the Minister under subsection (1)”.

15 (1) Section 27 of the Act is amended by striking out “January 1, 2020” wherever it appears and substituting in each case “June 1, 2020”.

(2) Subsection 27 (1.1) of the Act is amended by,

- (a) striking out “on or after January 1, 2017” in the portion before paragraph 1;
- (b) repealing paragraphs 1 and 2; and
- (c) striking out “on or after April 1, 2018 and” in paragraph 3.

(3) Subsection 27 (2) of the Act is amended by,

- (a) repealing paragraphs 1 to 3; and
- (b) striking out “on or after April 1, 2018 and” in paragraph 4.

(4) Subsection 27 (2.1) of the Act is amended by,

- (a) striking out “on or after January 1, 2017” in the portion before paragraph 1;
- (b) repealing paragraphs 1 and 2; and
- (c) striking out “on or after April 1, 2018 and” in paragraph 3.

(5) Subsection 27 (2.2) of the Act is repealed.

(6) Paragraphs 1 and 2 of subsection 27 (3) of the Act are repealed and the following substituting:

1. Determine the amount charged to the purchaser.
2. Subtract the amount of any deposit on the container containing the wine or wine cooler that is required to be collected or remitted under any deposit return program established under the *Liquor Licence and Control Act, 2019*.

16 Paragraphs 1 and 2 of subsection 29.1 (2) of the Act are repealed and the following substituted:

1. Determine the amount charged to the purchaser.
2. Subtract the amount of any deposit on the container containing the spirits that is required to be collected or remitted under any deposit return program established under the *Liquor Licence and Control Act, 2019*.

17 The English version of section 29.2 of the Act is amended by striking out “a spirits cooler” wherever it appears and substituting in each case “spirits cooler”.

18 (1) Section 30 of the Act is amended by striking out “increase date” wherever it appears and substituting in each case “adjustment date”.

(2) Section 30 of the Act, as amended by subsection (1), is repealed and the following substituted:

Tax collection and remittance

Collection

30 (1) Every collector that sells or delivers liquor to a purchaser in Ontario shall, as agent of the Minister, collect at the time of the sale or delivery all taxes imposed under this Act on the purchaser in respect of the purchase of the liquor.

Same

(2) Every collector shall, on the sale or delivery of liquor to another collector, collect from that collector at the time of the sale or delivery, as agent of the Minister, an amount on account of all taxes imposed under this Act on a purchaser in respect of the purchase of the liquor.

Remittance by collector

(3) Every collector that purchases or receives delivery of liquor from another collector shall pay to that collector an amount on account of all taxes imposed under this Act on a purchaser in respect of the purchase of the liquor.

Remittance by manufacturer, etc.

(4) Every beer manufacturer, winery or spirits manufacturer that collects taxes or amounts on account of taxes as required under this section shall remit all amounts collected to the Minister in accordance with the regulations.

Remittance by manufacturer on delivery of beer to retail store

(5) If a beer manufacturer delivers beer to its own retail store, the beer manufacturer shall remit an amount on account of tax to the Minister in accordance with the regulations as though the amount had been collected from another collector under subsection (2), and the beer manufacturer is deemed to have collected the amount on account of tax on the day of the delivery.

Remittance through affiliate

(6) Despite subsection (4), a winery that is a corporation may remit the taxes or amounts on account of taxes to a corporation that is an affiliate of the winery, and the affiliate shall,

- (a) collect the taxes or amounts on account of taxes as agent for the Minister; and
- (b) remit the taxes or amounts on account of taxes to the Minister in accordance with the regulations.

Remittance by licensee of brew pub

(7) Every licensee of a brew pub shall remit to the Minister in accordance with the regulations all taxes collected under subsection (1) in respect of the purchase of draft beer brewed at the brew pub and all amounts collected as required under subsection (2) from an operator of a place that is a secondary location related to the brew pub in respect of draft beer made at the brew pub.

Collection and remittance after change in beer tax rate

(8) The following rule applies if a collector receives delivery of beer before an adjustment date or is otherwise liable to pay tax at the rate in effect immediately before an adjustment date and then sells or delivers the beer to a purchaser or another collector on or after the adjustment date:

1. Despite subsections (1), (2) and (3), the collector and any subsequent collector who receives delivery of the beer shall collect or pay taxes or amounts on account of taxes in respect of that beer as if the taxes were being imposed on the purchaser immediately before the adjustment date.

Same, beer manufacturer

(9) The following rule applies if beer is available for sale before an adjustment date at a store owned and operated by a beer manufacturer and then the beer is sold or delivered to a purchaser on or after the adjustment date:

1. Despite subsection (1), the taxes to be collected by the beer manufacturer in respect of the beer shall be determined as if the beer were sold or delivered to the purchaser immediately before the adjustment date.

Same, licensee of brew pub

(10) The following rules apply if draft beer is made at a brew pub before an adjustment date and then the licensee of the brew pub sells or delivers the draft beer to a purchaser on or after the adjustment date or sells or delivers the draft beer on or after the adjustment date to an operator of a place that is a secondary location related to the brew pub:

1. Despite subsection (1), the taxes to be collected by the licensee of the brew pub in respect of the draft beer sold or delivered to a purchaser shall be determined as if the draft beer were sold to the purchaser immediately before the adjustment date.
2. Despite subsections (2) and (3), the amount to be collected by the licensee of the brew pub from the operator of the secondary location on account of taxes imposed on a purchaser in respect of the purchase of the draft beer shall be determined as if the draft beer were sold immediately before the adjustment date.

Same, operator of secondary location

(11) The following rule applies if draft beer is made at a brew pub before an adjustment date and then an operator of a place that is a secondary location related to the brew pub sells or delivers the draft beer to a purchaser on or after the adjustment date:

1. Despite subsection (1), the taxes to be collected by the operator of the secondary location in respect of the draft beer shall be determined as if the draft beer were sold or delivered to the purchaser immediately before the adjustment date.

19 Sections 30.1, 30.2 and 31 of the Act are repealed.

20 Section 31.1 of the Act is amended by striking out “in lieu of” in the portion before paragraph 1 and substituting “on account of”.

21 Section 35 of the Act is amended by striking out “beer, wine or wine cooler” and substituting “liquor”.

22 Subsection 38 (3) of the Act is amended by striking out “draft beer, non-draft beer, wine and wine coolers” and substituting “liquor”.

23 Subsections 47 (1) and (2) of the Act are repealed and the following substituted:

Refund to collector, sale on reserve

(1) A collector who sells liquor to a purchaser who is exempt from the payment of tax imposed by this Act may apply to the Minister through the manufacturer that manufactured the liquor for a refund of the amount paid by the collector to the manufacturer on account of taxes paid under this Act in respect of the liquor.

Same

(2) If the Minister considers it appropriate to do so, the Minister may require a collector referred to in subsection (1) to apply directly to the Minister for refunds described in that subsection and, upon notification by the Minister to the collector and the manufacturer, no further refunds shall be made through the manufacturer.

24 The French version of subsection 50 (3) of the Act is amended by striking out “cette partie” and substituting “la présente loi”.

25 The Act is amended by adding the following section:

Information required to administer this Act

62.1 A person employed by the Government of Ontario, the LCBO or the Commission may communicate, or allow to be communicated, to an official or authorized person employed by the Government of Ontario, the LCBO or the Commission any information that is not governed by section 62 and that is required for the administration or enforcement of this Act.

26 Section 64 of the Act is repealed.

27 (1) The French version of subsection 65 (1) of the Act is amended by striking out “boissons alcooliques” wherever it appears and substituting in each case “boissons alcoolisées”.

(2) Subsection 65 (2) of the Act is amended by striking out “Beer vendors, wineries, authorized grocery stores and spirits manufacturers” at the beginning and substituting “Collectors”.

28 Sections 66 to 69 and section 72 of the Act are repealed.

Business Corporations Act

29 Paragraph 0.1 of subsection 241 (1) of the *Business Corporations Act* is repealed and the following substituted:

0.1 *Liquor Tax Act, 1996.*

Ministry of Revenue Act

30 Paragraph 1 of subsection 11.6 (1) of the *Ministry of Revenue Act* is repealed and the following substituted:

1. The *Liquor Tax Act, 1996.*

Retail Sales Tax Act

31 Paragraph 1 of subsection 6 (3) of the *Retail Sales Tax Act* is repealed and the following substituted:

1. *Liquor Tax Act, 1996.*

Taxation Act, 2007

32 Sections 104.13 to 104.15 of the *Taxation Act, 2007* are amended by striking out “*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*” wherever it appears and substituting in each case “*Liquor Tax Act, 1996*”.

Commencement

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

(2) Subsections 5 (2), (3), (7) and (15), 9 (2), (3) and (4), 10 (2) and (3) and 13 (2) and (3), section 14, subsections 15 (1) and 18 (1) and this section come into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

**SCHEDULE 3
CANNABIS CONTROL ACT, 2017**

1 Subsection 20 (1) of the *Cannabis Control Act, 2017* is amended by adding “instead of commencing a proceeding under the *Provincial Offences Act*” at the end.

2 Subsection 23 (7) of the Act is repealed and the following substituted:

Youth education, prevention program participation

(7) If an individual is convicted of an offence under section 10, the court may suspend the passing of sentence and, as a condition in a probation order, direct that the individual participate in one or more approved youth education or prevention programs, subject to any conditions or restrictions the court may specify.

Same

(8) A condition imposed in a probation order under subsection (7) is in addition to any other condition the court may impose in a probation order under the *Provincial Offences Act*.

Commencement

3 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

**SCHEDULE 4
CANNABIS LICENCE ACT, 2018**

1 Subsection 4 (4) of the *Cannabis Licence Act, 2018* is repealed and the following substituted:

Restriction, producers

(4) A person who is the holder of a prescribed licence issued under the *Cannabis Act* (Canada) to produce cannabis for commercial purposes or, if no licence or licences are prescribed, a person who is the holder of any such licence, is subject to the following restrictions in respect of an application that may be made by the person under subsection (1):

1. Except as otherwise provided by the regulations, the proposed cannabis retail store must be located on or within the site set out in the licence.
2. The person and its affiliates, as defined by the regulations, may not between them hold more than one retail store authorization or such other number of retail store authorizations as may be prescribed.
3. Any other restriction that may be prescribed.

2 Sections 20 and 21 of the Act are repealed and the following substituted:

In-store distribution only

20 (1) The holder of a retail store authorization shall ensure that cannabis purchased from the cannabis retail store is distributed only in person, to the individual who purchased the cannabis, at the cannabis retail store.

Same

(2) Subsection (1) applies regardless of whether or not the cannabis was purchased from the cannabis retail store in person at the store.

Limits on amount of cannabis sold, distributed

21 (1) In this section,

“maximum permissible cannabis amount” means 30 grams of dried cannabis or the equivalent amount of another class of cannabis determined in accordance with Schedule 3 to the *Cannabis Act* (Canada), or such other amount as may be prescribed.

Limit on amount sold in person at cannabis retail store

(2) The holder of a retail store authorization shall ensure that the amount of cannabis sold to an individual in person at the cannabis retail store in a single visit, whether in single or multiple transactions, does not exceed the maximum permissible cannabis amount.

Limit on amount sold, online or telephone sales

(3) The holder of a retail store authorization shall ensure that the amount of cannabis sold to an individual by the cannabis retail store in a single transaction online or over the telephone does not exceed the maximum permissible cannabis amount.

Limit on distribution

(4) The holder of a retail store authorization shall ensure that the amount of cannabis distributed to an individual in the cannabis retail store in a single visit does not exceed the maximum permissible cannabis amount.

3 (1) Subsection 26 (1) of the Act is amended by striking out “Subject to subsection (2), the Registrar” at the beginning and substituting “The Registrar”.

(2) Subsection 26 (2) of the Act is repealed and the following substituted:

Conflict

(2) In the event of a conflict or inconsistency, the regulations prevail over the standards and requirements established under subsection (1) to the extent of the conflict or inconsistency.

(3) Subsection 26 (6) of the Act is amended by striking out “Every holder” at the beginning and substituting “Subject to subsection (2), every holder”.

4 Subsection 49 (1) of the Act is amended by adding the following clause:

- (d.1) for the purposes of subsection 4 (4),
- (i) specifying licences or classes of licences,
 - (ii) providing that proposed cannabis retail stores may be located on or within sites or locations other than the site set out in the licence, as specified by the regulations, for the purposes of paragraph 1 of that subsection,
 - (iii) specifying a different number of retail store authorizations, and defining “affiliate”, for the purposes of paragraph 2 of that subsection,

- (iv) prescribing additional restrictions for the purposes of paragraph 3 of that subsection;

Cannabis Control Act, 2017

5 Section 9 of the *Cannabis Control Act, 2017* is repealed and the following substituted:

Unlawful purchase

9 No person shall purchase cannabis except,

- (a) from the Ontario Cannabis Retail Corporation; or
- (b) from any other authorized cannabis retailer,
 - (i) in person at the retailer's cannabis retail store, as defined in the *Cannabis Licence Act, 2018*, or
 - (ii) online or over the telephone.

Ontario Cannabis Retail Corporation Act, 2017

6 (1) Section 2 of the *Ontario Cannabis Retail Corporation Act, 2017* is repealed and the following substituted:

Exclusive rights of Corporation

Sale of cannabis

2 (1) The Corporation has the exclusive right in Ontario to sell cannabis,

- (a) online and by any means other than by operating retail stores directly or indirectly; and
- (b) to a holder of a retail store authorization under the *Cannabis Licence Act, 2018* for the purpose of resale through a cannabis retail store.

Exceptions

(2) Subsection (1) does not apply with respect to the sale of cannabis,

- (a) for medical purposes in accordance with Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order;
- (b) to the Corporation in accordance with the *Cannabis Act* (Canada); or
- (c) by such persons or entities, or in such circumstances, as may be prescribed, subject to such conditions as may be prescribed.

Same

(3) Clause (1) (a) does not apply with respect to the sale of cannabis by the holder of a retail store authorization under the *Cannabis Licence Act, 2018* to an individual online or over the telephone, for distribution to the individual only in person at the holder's cannabis retail store.

Definition, "cannabis retail store"

(4) In this section,

"cannabis retail store" has the same meaning as in the *Cannabis Licence Act, 2018*.

Commencement

7 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 5
CHILD, YOUTH AND FAMILY SERVICES ACT, 2017

1 Subsection 83 (1) of the *Child, Youth and Family Services Act, 2017* is amended by striking out the portion before clause (a) and substituting the following:

Bringing children who are removed from or leave care to place of safety

With warrant

(1) A justice of the peace may issue a warrant authorizing a peace officer or a child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a peace officer's or a child protection worker's sworn information that,

2 Clause 280 (1) (a) of the Act is amended by striking out "subsection 244 (1)" and substituting "section 244".

3 Clause 315 (11) (a) of the Act is repealed and the following substituted:

- (a) make the requested correction by,
 - (i) recording the correct information in the record and,
 - (A) striking out the incorrect information in a manner that does not obliterate the record, or
 - (B) if that is not possible, labelling the information as incorrect, severing the incorrect information from the record, storing it separately from the record and maintaining a link in the record that enables a person to trace the incorrect information, or
 - (ii) if it is not possible to make the requested correction in the manner set out in subclause (i), ensuring that there is a practical system in place to inform a person who accesses the record that the information in the record is incorrect and to direct the person to the correct information;

Commencement

4 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

(2) Section 3 comes into force on the later of the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent and the day subsection 315 (11) of Schedule 1 (*Child, Youth and Family Services Act, 2017*) to the *Supporting Children, Youth and Families Act, 2017* comes into force.

SCHEDULE 6
CITY OF TORONTO ACT, 2006

1 Subsection 291 (2) of the *City of Toronto Act, 2006* is amended by adding the following paragraph:

- 2.1 If there is a change to the permitted uses of the land in the year that would result in the assessment made under section 36 of the *Assessment Act* for the taxation year differing from the assessment made for the year, recalculate the taxes determined under paragraph 1 as if the change to the permitted uses of the land had applied for the entire year.

Commencement

2 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

**SCHEDULE 7
COMMODITY FUTURES ACT**

1 (1) Subsection 12 (1) of the *Commodity Futures Act* is amended by striking out the portion before clause (a) and substituting the following:

Non-disclosure

(1) Except in accordance with subsection (1.1) or section 13, no person or company shall disclose at any time,

.

(2) Section 12 of the Act is amended by adding the following subsection:

Exceptions

(1.1) A disclosure by a person or company is permitted if,

- (a) the disclosure is to the person's or company's counsel; or
- (b) the disclosure is to the person's or company's insurer or insurance broker, and the person or company, or their counsel,
 - (i) gives written notice of the intended disclosure to a person appointed by the order under section 7 at least 10 days before the date of the intended disclosure,
 - (ii) includes in that written notice the name and head office address of the insurer or insurance broker and the name of the individual acting on behalf of the insurer or insurance broker to whom the disclosure is intended to be made, as applicable, and
 - (iii) on making the disclosure, advises the insurer or insurance broker that the insurer or insurance broker is bound by the confidentiality requirements in subsection (2) and obtains a written acknowledgement from the insurer or insurance broker of this advice.

(3) Subsection 12 (2) of the Act is amended by striking out "section 13" at the end and substituting "subsection (1.1) or section 13".

2 Subsection 67 (5) of the Act is amended by adding the following clause:

(b.1) the rule is a rule made under clause 75 (3) (b) extending a class order exemption;

3 Section 75 of the Act is repealed and the following substituted:

General orders

75 (1) The Commission shall not make any orders or rulings of general application.

Class order exemptions

(2) Despite subsection (1), if the Commission considers that it would not be prejudicial to the public interest to do so, the Commission may, on application by an interested person or company or on its own initiative, make an order exempting a class of persons or companies, contracts, trades or intended trades from any requirement of Ontario commodity futures law on such terms or conditions as may be set out in the order.

Duration of class order exemption

(3) If an order is made under subsection (2),

- (a) the order has no effect as of 18 months after the day on which it comes into force unless extended under clause (b); and
- (b) the Commission may make a rule in accordance with sections 68 to 71 extending the order for a further period of up to 18 months.

Public notice

(4) On or before the day on which an order described in subsection (2) is effective, the Commission shall publish a notice in its Bulletin that includes a description of the order, the reasons for it and the day on which it ceases to have effect.

Legislation Act, 2006, Part III

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

Commencement

4 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 8 CO-OPERATIVE CORPORATIONS ACT

1 The definition of “Minister” in subsection 1 (1) of the *Co-operative Corporations Act* is amended by striking out “Minister of Finance” and substituting “Minister of Government and Consumer Services”.

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

Limit on non-member business in articles

(2.1) For greater certainty, the articles of incorporation are not required to set out the percentage of business that a co-operative is authorized to conduct with non-members, except if necessary for the purposes of subsection 144 (1).

3 The Act is amended by striking out “Minister” wherever it appears in the following provisions and substituting in each case “Chief Executive Officer of the Financial Services Regulatory Authority of Ontario”:

1. Subsection 34 (1).
2. Clause 34 (2) (b).
3. Subsections 35 (4) and (5).
4. Section 36.
5. Clause 37 (1) (a).

4 Section 53 of the Act is repealed.

5 Paragraph 4 of section 114 of the Act is amended by adding “and an email address if one is provided” after “if any”.

6 Section 123 of the Act is repealed and the following substituted:

Exemption from audit provisions

123 (1) A co-operative that meets the conditions in subsection (2) is exempt, in respect of a financial year, from sections 124 and 125, subsections 126 (1) and (2), section 127, clause 128 (1) (b) and subsection 128 (3) if, before the beginning of the financial year, one of the following conditions is satisfied:

1. Each member of the co-operative and each shareholder of the co-operative, if any, or his or her attorney authorized in writing, consents in writing to the exemption.
2. The exemption is authorized by,
 - i. a special resolution of the members of the co-operative, and
 - ii. a resolution of the co-operative’s shareholders of every class of shares and every series of shares, if any, passed by the directors of the co-operative and submitted to a special meeting of the shareholders of every class of shares and every series of shares duly called for the purpose of considering the resolution and confirmed, with or without variation, by at least two-thirds of the votes cast, whether or not such shareholders or series-holders are otherwise entitled to vote, or such greater proportion of the votes cast as the articles provide.

Conditions for exemption

(2) Subsection (1) only applies to a co-operative that,

- (a) has never issued securities or, if it has issued securities, it was exempt from the requirement to file an offering statement under section 34 in respect of the securities;
- (b) has not received a grant or similar financial assistance from the federal government or a provincial or municipal government or an agency of any such government that has a condition requiring the co-operative to be audited in the financial year; and
- (c) satisfies any prescribed conditions.

Exemption for certain non-profit housing co-operatives

(3) Subsection (1) does not apply to a non-profit housing co-operative in respect of a financial year if, at the end of the preceding financial year, the co-operative has more than \$50,000 in capital or more than \$50,000 in assets.

Interpretation of capital

(4) For the purposes of subsection (3), a non-profit housing co-operative’s capital is the sum of the following amounts, as shown on the co-operative’s financial statements for the preceding financial year:

1. Outstanding member and patronage loans made to the co-operative.
2. Unsecured long-term debt.
3. Surplus.

7 Section 141 of the Act is repealed.

8 (1) Section 143 of the Act is repealed and the following substituted:

Affairs not conducted on a co-operative basis

143 Where the Minister is of the opinion that the business and affairs of the co-operative are not being conducted on a co-operative basis, the Minister may, after giving the co-operative an opportunity to be heard,

- (a) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of the *Business Corporations Act* and, where necessary for the purpose, changing the co-operative into a corporation with share capital; or
- (b) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of the *Corporations Act* and, where necessary for the purpose, changing the co-operative into a corporation without share capital.

(2) Clause 143 (b) of the Act, as re-enacted by subsection (1), is amended by striking out “a corporation subject to the provisions of Part III of the *Corporations Act*” and substituting “a corporation subject to the *Not-for-Profit Corporations Act, 2010*”.

9 (1) Subsection 144 (1) of the Act is repealed and the following substituted:

Limit on non-member business

(1) A co-operative shall not conduct 50 per cent or more of its business with non-members of that co-operative unless its articles or by-laws authorize it to do so.

(2) Paragraph 3 of subsection 144 (8) of the Act is repealed.

10 Section 144.1 of the Act is repealed and the following substituted:

Membership requirements for co-operatives for workers

144.1 (1) If a co-operative’s articles provide that the co-operative’s primary object is to provide employment to its members, at least 75 per cent of its permanent full-time employees and 75 per cent of all employees, or such other proportions of employees as may be prescribed, must be members of the co-operative.

Permanent full-time employees

(2) For the purposes of subsection (1), an employee is not a permanent full-time employee if,

- (a) the employee is employed for a probationary period of one year or less;
- (b) the employee is employed under a contract for a term of two years or less; or
- (c) the employee’s regular hours of work are less than fifteen hours per week.

11 Subsection 144.2 (1) of the Act is amended by striking out “over a period of three years or more”.

12 (1) Subsection 164 (1) of the Act is amended by adding “and” at the end of clause (d), by striking out “and” at the end of clause (e) and by repealing clause (f).

(2) Subsection 164 (2) of the Act is amended by adding “and” at the end of clause (h), by striking out “and” at the end of clause (i) and by repealing clause (j).

13 Section 171 of the Act is repealed and the following substituted:

Annual return

171 On the day the co-operative sends or is required to send, whichever is earlier, a copy of its financial statement to its members under subsection 140 (1), the co-operative shall also file an annual return in a form approved by the Minister.

14 Clause 172 (1.1) (a) of the Act is amended by striking out “125 (1) and 141 (2)” and substituting “and 125 (1)”.

15 Section 182 of the Act is amended by adding the following subsection:

Reproduction of signature

(3) For the purposes of this section, any signature of the Minister or of a public servant designated by the regulations may be printed or otherwise mechanically or electronically reproduced.

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

Cutting Unnecessary Red Tape Act, 2017

17 Subsection 77 (1) of Schedule 8 to the *Cutting Unnecessary Red Tape Act, 2017* is repealed.

Commencement

18 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

(2) Section 12 comes into force 90 days after the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

(3) Sections 1, 3, 7, 8 and 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 9
DANGEROUS GOODS TRANSPORTATION ACT

1 The *Dangerous Goods Transportation Act* is amended by adding the following section:

Power to do things electronically

10.1 (1) Anything that the Minister, the Ministry of Transportation, the Registrar of Motor Vehicles or an inspector is required or authorized to do or to provide under this Act may be done or provided by electronic means or in an electronic format.

Same

(2) Anything that any person is required or authorized to do or to provide to the Minister, the Ministry of Transportation, the Registrar of Motor Vehicles or an inspector under this Act may be done or provided by electronic means or in an electronic format in accordance with regulations made under the federal Act.

2 Section 11 of the Act is amended by adding the following clauses:

- (d) governing the admissibility of electronic documents in court;
- (e) governing the circumstances in which the information set out in an electronic document is deemed to be true, and in which the electronic document or a copy or excerpt of it shall be received in evidence as proof of the information set out in it.

Commencement

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

SCHEDULE 10
DEVELOPMENT CHARGES ACT, 1997

1 (1) Paragraphs 1 to 5 of subsection 26.1 (2) of the *Development Charges Act, 1997* are repealed and the following substituted:

1. Rental housing development that is not non-profit housing development referred to in paragraph 3.
2. Institutional development.
3. Non-profit housing development.

(2) Clause 26.1 (3) (a) of the Act is amended by striking out “paragraphs 1 to 4” and substituting “paragraphs 1 and 2”.

(3) Clause 26.1 (3) (b) of the Act is amended by striking out “paragraph 5” and substituting “paragraph 3”.

Commencement

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

SCHEDULE 11
EGYPTIAN HERITAGE MONTH ACT, 2019

Preamble

The month of July is an important one for the Egyptian community and every year on July 23 the Egyptian community celebrates Egypt National Day.

By proclaiming the month of July as Egyptian Heritage Month, the Province of Ontario recognizes the important contributions that Egyptian Canadians have made and continue to make to the economic, social and cultural fabric of Ontario. Egyptian Heritage Month is an opportunity to remember, celebrate and educate future generations about the achievements and contributions of Egyptian Canadians in the province.

Egyptian Heritage Month

1 The month of July in each year is proclaimed as Egyptian Heritage Month.

Commencement

2 The Act set out in this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

Short title

3 The short title of the Act set out in this Schedule is the *Egyptian Heritage Month Act, 2019*.

SCHEDULE 12
FINANCIAL PROFESSIONALS TITLE PROTECTION ACT, 2019

1 (1) Subsection 15 (1) of the *Financial Professionals Title Protection Act, 2019* is amended by adding the following paragraphs:

8. Respecting transitional matters arising from the enactment of Schedule 25 to the *Protecting What Matters Most Act (Budget Measures), 2019*, including the treatment of credentials and other qualifications possessed by individuals before sections 2, 3, 9 and 10 come into force.
9. Exempting individuals or classes of individuals from section 2 or 3 in the circumstances set out in the rules, subject to such conditions, limitations and restrictions as may be set out in the rules.

(2) Clauses 15 (2) (c) and (e) of the Act are repealed.

Commencement

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

SCHEDULE 13
FISH AND WILDLIFE CONSERVATION ACT, 1997

1 Section 36 of the *Fish and Wildlife Conservation Act, 1997* is amended by adding the following subsection:

Exception

(2.1) Subsections (1) and (2) do not apply to a person in respect of double-crested cormorant in the circumstances prescribed by the regulations.

2 Section 112 of the Act is amended by adding the following paragraph:

27.1 prescribing the circumstances under which subsection 36 (1) or (2) does not apply to a person in respect of double crested-cormorant;

Commencement

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

**SCHEDULE 14
GASOLINE TAX ACT**

1 Subsection 1 (1) of the *Gasoline Tax Act* is amended by adding the following definition:

“Northern Ontario” means the geographic areas named and described in Schedule 2 to Ontario Regulation 180/03 (Division of Ontario into Geographic Areas) made under the *Territorial Division Act, 2002* as Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming; (“Nord de l’Ontario”)

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

Tax on aviation fuel

(2) Every purchaser of aviation fuel shall pay to the Minister a tax at the rate of 6.7 cents per litre.

Same

(2.1) Despite subsection (2), every purchaser of aviation fuel shall pay to the Minister a tax at the rate of 2.7 cents per litre if,

- (a) the purchaser takes possession of the purchased fuel in Northern Ontario; and
- (b) the purchased fuel is transferred into the fuel tank of an aircraft in Northern Ontario.

Overpayment

(2.2) If a purchaser of aviation fuel takes possession of the purchased fuel in Ontario but outside Northern Ontario and the purchased fuel is transferred into the fuel tank of an aircraft in Northern Ontario, the purchaser is deemed, on the day the fuel is transferred into the fuel tank of an aircraft in Northern Ontario, to have made an overpayment of tax under this Act equal to the difference between the amount of tax the purchaser paid under subsection (2) and the amount that would have been paid if the rate under that subsection was 2.7 cents per litre.

(2) Subsections 2 (4.1) and (4.2) of the Act are repealed and the following substituted:

Tax on transfer of aviation fuel into aircraft outside Northern Ontario

(4.1) Every person shall pay to the Minister a tax at the rate of 6.7 cents per litre on all aviation fuel that is transferred by the person into a tank of an aircraft in Ontario but outside of Northern Ontario,

- (a) for use or consumption by the person;
- (b) for use or consumption by another person at the expense of the person who transferred the aviation fuel; or
- (c) on behalf of or as agent for a principal who is acquiring the aviation fuel for use or consumption by the principal or by others at the principal’s expense.

Tax on transfer of aviation fuel into aircraft in Northern Ontario

(4.2) Every person shall pay to the Minister a tax at the rate of 2.7 cents per litre on all aviation fuel that is transferred by the person into a tank of an aircraft in Northern Ontario,

- (a) for use or consumption by the person;
- (b) for use or consumption by another person at the expense of the person who transferred the aviation fuel; or
- (c) on behalf of or as agent for a principal who is acquiring the aviation fuel for use or consumption by the principal or by others at the principal’s expense.

Application of subs. (4.1) and (4.2)

(4.2.1) No tax is payable under subsection (4.1) or (4.2) if,

- (a) the person who transfers the aviation fuel is a purchaser of the aviation fuel; or
- (b) the tax under subsection (2) or (2.1) has been paid by a purchaser of the aviation fuel.

(3) Subsection 2 (5.1) of the Act is amended by striking out “subsection (4.1)” wherever it appears and substituting in each case “subsection (4.1) or (4.2)”.

3 The following provisions of the Act are amended by striking out “subsection 2 (4.1)” wherever it appears and substituting in each case “subsection 2 (4.1) or (4.2)”:

1. Subsection 11 (6).
2. Clause 16 (1) (c).
3. Subsections 16 (2) and (3).
4. Clauses 23 (1) (b) and (c).

4 Subsection 28 (2) of the Act is repealed and the following substituted:

Idem

(2) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations computed and compounded daily shall be paid or applied thereon,

- (a) for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, in the case of an application for a refund made to the Minister before January 1, 2020; or
- (b) for the period commencing on the day the application for a refund is made to the Minister and ending with the day of refunding or application on other liability, in the case of an application for a refund made to the Minister after December 31, 2019.

Same

(2.1) Despite subsection (2), interest shall not be paid on a refund or applied on other liability if the amount of the interest is calculated to be less than \$5.

Commencement

5 This Schedule comes into force on January 1, 2020.

SCHEDULE 15 HEALTH INSURANCE ACT

1 (1) The definitions of “business day”, “joint committee”, “payment committee”, “payment correction list” and “Review Board” in section 1 of the *Health Insurance Act* are repealed.

(2) Section 1 of the Act is amended by adding the following definitions:

“billing number” means the unique identifying number issued by the General Manager to a physician, practitioner or health facility that has been granted a billing number by the General Manager under section 16.2; (“numéro de facturation”)

“justice” has the same meaning as in the *Provincial Offences Act*; (“juge”)

“personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* and includes personal health information as defined in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels”)

“provincial offences officer” has the same meaning as in the *Provincial Offences Act*; (“agent des infractions provinciales”)

“reviewer” means a reviewer provided for under section 41; (“examineur”)

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

Deemed terms

(7) The Lieutenant Governor in Council may make regulations providing for provisions that shall be deemed to be included in arrangements made under clause (2) (a) that require reporting of physician payments to individual physicians from remuneration provided under such arrangements, and which shall be deemed to be included in arrangements entered into before the regulations were made and before this subsection came into force.

3 (1) Subsection 4.1 (3) of the Act is repealed and the following substituted:

Disclosure

(3) The Minister and the General Manager shall disclose personal information, subject to such conditions as may be prescribed, if the disclosure is necessary for purposes related to the administration of this Act, the *Commitment to the Future of Medicare Act, 2004* or the *Independent Health Facilities Act* or for such other purposes as may be prescribed, but shall not disclose the information if, in the opinion of the Minister or the General Manager, as the case may be, the disclosure is not necessary for those purposes.

Same

(3.1) Where the Minister or General Manager is of the opinion that it is advisable to do so, the Minister or General Manager shall disclose personal information to a College within the meaning of the *Regulated Health Professions Act, 1991* for the purpose of the administration of that Act or an Act named in Schedule 1 to that Act.

(2) Subsection 4.1 (3) of the Act, as re-enacted by subsection (1), is amended by striking out “*Independent Health Facilities Act*” and substituting “*Oversight of Health Facilities and Devices Act, 2017*”.

(3) Clause 4.1 (4) (a) of the Act is repealed and the following substituted:

- (a) disclosure of the names or other identifying information is necessary for the purposes described in subsection 2 (5), or in subsection (3) or (3.1) of this section; or

4 (1) Sections 5 to 5.4 of the Act are repealed and the following substituted:

Transitional

5 The Physician Payment Review Board, as it existed immediately before the coming into force of subsection 5 (1) of Schedule 15 to the *Plan to Build Ontario Together Act, 2019*, continues to exist to the extent necessary to conclude any matters where a review panel had been constituted and a hearing was in progress before that section came into force.

(2) Section 5 of the Act, as re-enacted by subsection (1), is repealed.

5 (1) Section 7 of the Act is repealed and the following substituted:

Transitional

7 The Medical Eligibility Committee, as it existed immediately before the coming into force of subsection 6 (1) of Schedule 15 to the *Plan to Build Ontario Together Act, 2019*, continues to exist to the extent necessary to conclude any matter that was referred to it but with respect to which it had not made a recommendation before that section came into force.

(2) Section 7 of the Act, as re-enacted by subsection (1), is repealed.

6 Section 11.1 of the Act is repealed and the following substituted:

Health card

11.1 (1) The General Manager shall issue a health card to each insured person.

Non-transferable

(2) A health card is non-transferable.

Must be presented

(3) An insured person shall present their health card upon the request of the hospital, physician, practitioner or health facility from which the person receives insured services.

Form of card

(4) A health card shall be in the form approved by the Minister.

Property of Minister

(5) A health card remains the property of the Minister at all times.

Taking possession of card

(6) A prescribed person may take possession of a health card that is surrendered to the person voluntarily.

Return to General Manager

(7) On taking possession of a health card under subsection (6), the person shall return it to the General Manager as soon as possible.

Protection from liability

(8) No proceeding for taking possession of a health card shall be commenced against a person who does so in accordance with subsection (6).

Fees

(9) The General Manager may charge a fee provided in the regulations for a replacement health card, subject to any terms or conditions provided for in the regulations.

7 Section 15 of the Act is amended by adding the following subsection:**Billing number**

(4) A physician may only submit claims for payment to the Plan, or receive payments from the Plan pursuant to an arrangement under clause 2 (2) (a), and an insured person may only submit claims for payment to the Plan that have been presented by a physician, if the physician has been granted a billing number by the General Manager.

8 Section 15.1 of the Act is amended by adding the following subsection:**Billing number**

(4.1) A practitioner may only submit claims for payment to the Plan, or receive payments from the Plan pursuant to an arrangement under clause 2 (2) (a), if the practitioner has been granted a billing number by the General Manager.

9 Paragraph 1 of subsection 15.2 (1) of the Act is repealed and the following substituted:

1. Sections 15 and 15.1 do not apply to him or her, other than subsection 15 (4).

10 The Act is amended by adding the following section:**Billing number — health facilities**

15.3 A health facility may only submit claims for payment to the Plan, or receive payments from the Plan pursuant to an arrangement under clause 2 (2) (a), if the health facility has been granted a billing number by the General Manager.

11 Subsection 16 (5) of the Act is repealed.**12 The Act is amended by adding the following section:****Billing numbers**

16.2 Subject to an application process set out in the regulations, if any, the General Manager shall grant a billing number to a physician, practitioner or health facility.

13 Subsections 17.1 (1) and (2) of the Act are repealed and the following substituted:**Fees payable for insured services**

(1) Subject to section 18, a physician or practitioner who has been granted a billing number and who submits a claim for payment to the General Manager in accordance with this Act for insured services provided by the physician or practitioner shall be paid in accordance with this Act and the regulations.

Same

(2) An insured person who submits a claim for payment to the General Manager in accordance with this Act for insured services provided by a physician or practitioner who has been granted a billing number shall be paid in accordance with this Act and the regulations.

14 Subsection 17.2 (1) of the Act is repealed and the following substituted:

Fees payable, health facilities

(1) Subject to sections 18 and 28, a health facility that has been granted a billing number and that submits a claim for payment to the General Manager in accordance with this Act for insured services performed by the facility shall be paid in accordance with this Act and the regulations.

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

Information

17.3 (1) Every physician, practitioner, health facility, hospital and independent health facility shall give the General Manager records or other information, including personal information, that the General Manager may require,

- (a) for purposes related to the administration of this Act, the *Commitment to the Future of Medicare Act, 2004* or the *Independent Health Facilities Act*; or
- (b) for other prescribed purposes.

Same

(2) Such persons or organizations as may be prescribed shall give the General Manager such information, including personal information, as may be prescribed and such information as the General Manager may require for the purpose of administering this Act.

Form and time

(3) The records and other information shall be provided in the form, and within the time, specified by the General Manager.

Application

(4) This section applies despite anything in the *Regulated Health Professions Act, 1991*, an Act listed in Schedule 1 to the *Regulated Health Professions Act, 1991*, or any regulations made under those Acts.

Rules re providing records and information

(5) Where the General Manager requires a physician, practitioner or health facility that has been granted a billing number to provide records or other information, the following rules apply:

1. The physician, practitioner or facility shall submit copies of the requested records or other information and, where required by the General Manager, shall include a signed certificate of authenticity and a signed copy of an audit trail for electronic records.
2. If the General Manager is not satisfied with the copies of the requested records or other information, the General Manager may require the physician, practitioner or facility to produce the original documents to the General Manager, and the documents shall be returned to the physician, practitioner or facility in a timely manner after copies have been made.
3. Where a physician, practitioner or facility fails to produce the copies or originals of records or other information required under this section, the General Manager may, on notice to the physician, practitioner or facility, apply to a justice or a provincial judge for an order compelling production of the required records or other information and the justice or provincial judge may issue the order if they are satisfied that there are reasonable grounds for believing that the physician, practitioner or facility failed to produce the records or other information.

Electronic records

(6) Where records required to be kept by physicians for the purposes of this Act are in electronic form, they shall have the characteristics of electronic records set out in the regulations under the *Medicine Act, 1991*.

Certificate of authenticity

(7) A certificate of authenticity required under this section shall be in a form acceptable to the General Manager unless otherwise prescribed.

Record-keeping

17.4 (1) For the purposes of this Act, every physician, practitioner and health facility shall maintain such records as may be necessary to establish whether they have provided an insured service to a person.

Same

(2) For the purposes of this Act, every physician, practitioner and health facility shall maintain such records as may be necessary to demonstrate that a service for which they prepare or submit a claim for payment is the service that they provided.

Same

(3) For the purposes of this Act, every physician and health facility shall maintain such records as may be necessary to establish whether a service they have provided is medically necessary.

Same

(4) For the purposes of this Act, every practitioner and health facility shall maintain such records as may be necessary to establish whether a service they have provided is therapeutically necessary.

Same

(5) The records described in subsections (1), (2), (3) and (4) must be prepared promptly when the service is provided.

Presumption

(6) In the absence of a record described in subsection (1), (3) or (4), it is presumed that an insured service was provided and that the basic fee payable is nil.

Different service provided

(7) In the absence of a record described in subsection (2), the insured service that was provided is presumed to be the insured service, if any, that the General Manager considers to be described in the records as having been provided and not the insured service for which the claim for payment was prepared or submitted.

Refusal to pay if not required form, etc.

17.5 The General Manager shall refuse to pay for an insured service if the claim for payment for the service is not prepared in the required form, does not meet the prescribed requirements or is not submitted to the General Manager within the prescribed time. However, the General Manager may pay for the service if, in the General Manager's opinion, there are extenuating circumstances.

(2) Subsection 17.3 (1) of the Act, as enacted by subsection (1), is repealed and the following substituted:**Information**

(1) Every physician, practitioner, health facility, hospital and community health facility shall give the General Manager records or other information, including personal information, that the General Manager may require,

- (a) for purposes related to the administration of this Act, the *Commitment to the Future of Medicare Act, 2004* or the *Oversight of Health Facilities and Devices Act, 2017*; or
- (b) for other prescribed purposes.

16 (1) Section 18 of the Act is repealed and the following substituted:**Payment of accounts**

18 (1) The General Manager shall determine all issues relating to accounts for insured services in accordance with this Act and shall make the payments from the Plan that are authorized under this Act.

Practitioners and health facilities, refuse to pay

(2) The General Manager may refuse to pay a claim for payment for an insured service submitted by a practitioner or health facility or may pay a reduced amount in the following circumstances:

1. If the General Manager is of the opinion that all or part of the insured service was not in fact rendered.
2. If the General Manager is of the opinion that the nature of the service is misrepresented, whether deliberately or inadvertently.
3. For a service provided by a practitioner, if the General Manager is of the opinion, after consulting with a practitioner who is qualified to provide the same service, that all or part of the service was not therapeutically necessary.
4. For a service provided by a health facility, if the General Manager is of the opinion, after consulting with a physician or practitioner, that all or part of the service was not medically or therapeutically necessary.
5. If the General Manager is of the opinion that all or part of the service was not provided in accordance with accepted professional standards and practice.
6. In such other circumstances as may be prescribed.

Practitioners and health facilities, reimbursement

(3) The General Manager may require a practitioner or health facility to reimburse the Plan for an amount paid for a service if, after the payment is made, the General Manager is of the opinion that a circumstance described in subsection (2) exists.

Exception

(4) Despite subsection (3), the General Manager shall not require a practitioner to reimburse the Plan if the sole reason for requiring the reimbursement is that a circumstance described in paragraph 3 or 5 of subsection (2) exists.

Notice, practitioners and health facilities

(5) The General Manager shall give notice to a practitioner or health facility of a decision to refuse to pay for a service, to pay a reduced amount or to require that the Plan be reimbursed.

Physicians, refusal to pay

(6) Under any of the following circumstances, the General Manager may, with respect to a claim for payment for an insured service submitted by a physician, refuse to pay the claim, pay a reduced amount with respect to the claim, pay for the service the General Manager considers to have been provided and not the service described in the claim that was submitted, or, with respect to payment for an insured service that has been made to a physician, request a hearing by the Appeal Board:

1. If the General Manager is of the opinion that any or all of the following apply:
 - i. all or part of the service was not in fact rendered,
 - ii. the service has not been rendered in accordance with the conditions and limitations set out in this Act and the regulations, or
 - iii. there is an absence of a record described in subsection 17.4 (1), (2) or (3).
2. If the General Manager is of the opinion that the nature of the service is misrepresented, whether deliberately or inadvertently.
3. If the General Manager is of the opinion, after consulting with a physician, that all or part of the service was not medically necessary.
4. If the General Manager is of the opinion that all or part of the service was not provided in accordance with accepted professional standards and practice.
5. In such other circumstances as may be prescribed.

Notice, physicians

(7) Where the General Manager is of the opinion that a circumstance described in subsection (6) exists and has made a decision to refuse to pay for a service or pay a reduced amount to a physician for a service, or to pay for the service the General Manager considers to have been provided and not the service described in the claim, the General Manager shall notify the physician of the decision and the action taken.

Physicians, post-payment

(8) Where the General Manager has made a payment to a physician for a service and the General Manager is, after providing the physician with the opportunity to provide written submissions, of the opinion that a circumstance described in subsection (6) exists and that reimbursement to the Plan is required, the General Manager may give notice to the Appeal Board requesting it to hold a hearing and at the same time give notice of the request for the hearing to the physician.

Not a decision

(9) For greater certainty, a refusal to pay under section 17.5 is not a decision for the purposes of this section.

Reimbursement, non-entitled person

18.0.1 The General Manager may make a decision to require a person to reimburse the Plan for an amount paid for an insured service rendered to the person if, after the payment is made, the General Manager determines that the person was not an insured person and was not entitled to have a payment paid from the Plan with respect to the service.

Debt

18.0.2 A requirement to reimburse the Plan created by a decision of the General Manager under subsection 18 (3) creates a debt owed to the Crown in right of Ontario in the amount set out in the decision of the General Manager, and a requirement to reimburse the Plan created by a decision of the Appeal Board creates a debt owed to the Crown in right of Ontario in the amount set out in the decision of the Appeal Board.

Transitional

18.0.3 Sections 18 and 18.0.1 apply whether the service or payment in question occurred before or after the coming into force of subsection 17 (1) of Schedule 15 to the *Plan to Build Ontario Together Act, 2019*.

Settlement

18.0.4 Nothing in this Act prevents the General Manager and a person, physician, practitioner or health facility from entering into an agreement at any time, and despite any other provision of this Act, with respect to amounts to be paid or recovered with respect to claims for services. However, for greater certainty, the General Manager is not required to enter into any such agreement.

(2) Section 18.0.3 of the Act, as enacted by subsection (1), is repealed.

17 Subsections 18.0.6 (2) and (3) of the Act are repealed.

18 Subsection 18.0.7 (2) of the Act is repealed.

19 Sections 18.2 and 18.3 of the Act are repealed and the following substituted:

Recovery from requesting physician

18.2 If the General Manager is of the opinion that a service performed by a physician, practitioner, health facility or independent health facility is not medically necessary, and that service was requested by a physician other than the one who performed the service, the General Manager may give notice to the Appeal Board of a request to hold a hearing and at the same time give notice to the physician who requested the provision of the service.

Interest

18.3 Where the General Manager has required reimbursement under section 18, interest accrues on the amount that is required to be paid commencing on the date of the General Manager's decision at the rate for postjudgment interest provided for under section 127 of the *Courts of Justice Act*.

20 Section 19 of the Act is repealed.

21 (1) Sections 20 and 21 of the Act are repealed and the following substituted:

Hearing by Appeal Board

20 (1) The following persons may request a hearing by the Appeal Board:

1. A person who has applied to become or continue to be an insured person, in respect of the review of a decision of the General Manager refusing the application.
2. An insured person who has made a claim for payment for insured services, in respect of the review of a decision of the General Manager refusing the claim or reducing the amount so claimed to an amount less than the amount payable by the Plan.
3. A physician, in respect of a decision of the General Manager referred to in subsection 18 (7).
4. The General Manager, where the General Manager has formed an opinion under subsection 18 (8) or section 18.2.
5. A person who has been required to reimburse the Plan under section 18.0.1, in respect of the review of the decision of the General Manager requiring the reimbursement.

Notice of request

(2) A person or physician requesting a hearing under paragraph 1, 2, 3 or 5 of subsection (1) shall file a notice of the request within 30 days after receiving notice of the decision of the General Manager.

Powers of Appeal Board

21 (1) If a person requests a hearing under section 20, the Appeal Board shall appoint a time for and hold the hearing and following the hearing may, by order, direct the General Manager to take such action as the Appeal Board considers the General Manager should take in accordance with this Act and the regulations.

Extension of time for hearing

(2) The Appeal Board may extend the time for the giving of notice by a person requesting a hearing under this section, either before or after expiration of such time, where it is satisfied that there are apparent grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Certain hearings

(3) Despite section 13 of the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*, a hearing under paragraph 3 or 4 of subsection 20 (1) shall be heard and decided as provided for in Schedule 1.

Interest payable by the Plan

(4) If the Appeal Board has concluded that an amount is payable by the Plan to a physician in a hearing under paragraph 3 of subsection 20 (1), interest calculated at the rate for postjudgment interest provided for under section 127 of the *Courts of Justice Act* accrues from the date that the claims were submitted in accordance with this Act and regulations.

Interest payable to the Plan

(5) If the Appeal Board has concluded that an amount is payable to the Plan by a physician in a hearing under paragraph 4 of subsection 20 (1), interest calculated at the rate for postjudgment interest provided for under section 127 of the *Courts of Justice Act* accrues from the date of the request for a hearing by the General Manager.

Transitional

(6) Where a request for a hearing had been made to the Physician Payment Review Board before the coming into force of subsection 22 (1) of Schedule 15 to the *Plan to Build Ontario Together Act, 2019* and a hearing is not underway, a panel of the Appeal Board shall deal with the hearing under this section, with any necessary modification.

(2) Subsection 21 (6) of the Act, as enacted by subsection (1), is repealed.

22 Section 24 of the Act is amended by adding the following subsection:

Exception

(1.1) Despite subsection (1), a party may not appeal from a decision or order of the Appeal Board respecting a matter heard under paragraph 3 or 4 of subsection 20 (1).

23 Section 25 of the Act is repealed.

24 Subsection 27.2 (2) of the Act is repealed.

25 Subsection 29 (3) of the Act is repealed.

26 Sections 37 and 37.1 of the Act are repealed.

27 (1) Paragraphs 1 and 2 of subsection 38 (1.1) of the Act are repealed and the following substituted:

1. The members of the Appeal Board.
2. The employees and agents, if any, of the Appeal Board.

(2) Subsection 38 (4) of the Act is repealed.

28 (1) Paragraph 2 of section 38.1 of the Act is repealed.

(2) Paragraph 4 of section 38.1 of the Act is repealed.

(3) Section 38.1 of the Act is amended by adding the following subsections:

Personal property charge

(2) Anything that may be filed under subsection (1) may also be entered as a lien and charge with the registrar under the *Personal Property Security Act*.

Set-off

(3) For greater certainty, nothing under this section affects any right of set-off that the General Manager possesses under this Act.

29 Section 39 of the Act is repealed and the following substituted:

Limitation of liability

39 (1) No action or other proceeding shall be commenced against the Crown, the Minister, the General Manager, any employee or agent of the Crown or a reviewer for anything done or omitted to be done in good faith in the execution or intended execution of a power or duty under this Act.

No remedy

(2) Despite any other Act or law, no costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person against the Crown, the Minister, the General Manager, any employee or agent of the Crown or a reviewer in connection with anything referred to in subsection (1) except as otherwise provided under this Act.

Limitations on remedies

39.1 (1) No cause of action arises as a direct or indirect result of,

- (a) the enactment or repeal of any provision of this Act; or
- (b) the making or revocation of any provision of the regulations made under this Act.

No remedy

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

Proceedings barred

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

Same

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

Person defined

(5) In this section,

“person” includes the Crown and its employees and agents and members of the Executive Council.

No Crown liability

39.2 (1) No cause of action arises against the Crown, a minister of the Crown, a Crown employee, a Crown agent or the General Manager as a result of any act or omission of a person who is not a minister of the Crown, a Crown employee, a Crown agent or the General Manager if the act or omission is related, directly or indirectly, to the activities or affairs of a reviewer or to the administration of this Act.

No proceeding

(2) No proceeding for damages, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against the Crown, a minister of the Crown, a Crown employee, a Crown agent or the General Manager by a person who has suffered any damages, injury or other loss based on or related to any act or omission described in subsection (1).

Amendments apply despite agreements

39.3 The amendments to this Act made by Schedule 15 to the *Plan to Build Ontario Together Act, 2019*, and any regulations made in consequence of those amendments, apply despite any agreement or arrangement entered into by the Minister, regardless of when the agreement or arrangement might have been made.

Publication

39.4 (1) Subject to the regulations, if any, the General Manager is authorized to publish information, including personal information other than personal health information, that relates to any payments under this Act to a physician, practitioner or health facility, including payments that are made to a person or entity pursuant to an arrangement under clause 2 (2) (a) or a direction under section 16.1.

Exception

(2) This section does not authorize the publication by the General Manager or the Minister of information concerning an opinion that the General Manager has formed under subsection 18 (8) or section 18.2, or a hearing that the General Manager has requested in connection with such an opinion.

30 Section 40.3 of the Act is repealed and the following substituted:

Suspension of payments

40.3 The General Manager may suspend payments or a portion of payments to a physician, practitioner or health facility from the Plan,

- (a) during any period when they fail to comply with section 17.3, whether or not they are convicted of an offence;
- (b) during any period where they fail to co-operate with a reviewer; or
- (c) during any other period as may be prescribed, or for any other reason as may be prescribed.

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

Appointment of reviewers

41 (1) The Minister or the General Manager may appoint, in writing, one or more persons as reviewers for the purposes of this Act and the regulations.

Other reviewers

(2) Every inspector appointed by the Director or Minister under the *Independent Health Facilities Act* is, by virtue of office, also a reviewer for the purposes of this Act.

Certificate of appointment

(3) The Minister or General Manager shall issue to every reviewer, other than reviewers mentioned in subsection (2), a certificate of appointment which the reviewer shall produce, upon request, when acting in the performance of their duties. A

reviewer mentioned in subsection (2) shall produce their certificate of appointment issued under the *Independent Health Facilities Act*.

Purpose of inspection

(4) In order to conduct inspections for the purpose of ensuring compliance with this Act and the regulations, a reviewer may, at any reasonable time, enter any place where a physician, practitioner or health facility provides services or any place where a physician, practitioner or health facility or any person on their behalf may maintain any record that relates in any manner to the provision of services for which they submit or have submitted claims to the Plan.

Physicians

(5) Despite anything else in this section, only a reviewer who is a physician may enter a place for the purpose of conducting an inspection to ensure compliance with this Act and the regulations by a physician.

Dwellings

(6) No reviewer shall enter a part of a place that is being used as a dwelling, except with the consent of the occupier of the part of the place or under the authority of an order under section 42.1.

Use of force

(7) A reviewer is not entitled to use force to enter and inspect a place.

Powers of reviewer

(8) A reviewer conducting an inspection may, if the reviewer considers it to be relevant to the inspection,

- (a) examine records or anything else;
- (b) demand the production of a record or any other thing;
- (c) upon providing a receipt, remove a record or any other thing for review, examination or copying;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (e) take photographs or make any other kind of recording but only in a manner that does not intercept any private communication and that is in keeping with reasonable expectations of privacy;
- (f) question a person about a matter relevant to the inspection; and
- (g) call upon experts who may enter the premises and provide assistance to the reviewer in carrying out the inspection in any manner that the reviewer considers necessary.

Written demand

(9) A demand under this section that a record or any other thing be produced must be in writing and must include,

- (a) a statement of the nature of the record or thing required; and
- (b) a statement of when the records and other things are to be produced.

Obligation to produce and assist

(10) If a reviewer demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, shall, on request, provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Records and things removed from place

(11) A record or other thing that has been removed for review, examination or copying,

- (a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the reviewer; and
- (b) shall be returned to the person within a reasonable time.

Co-operation

(12) Every person shall give all reasonable assistance to a reviewer in the exercise of the reviewer's powers or the performance of the reviewer's duties under this Act or the regulations.

Confidentiality

(13) A reviewer shall keep confidential all information that comes to his or her knowledge in the course of his or her duties under this section and shall not communicate any information to any other person except as permitted or required by law or except where the communication is to the General Manager or a person employed in or performing services for the Ministry.

Inspection report

(14) Within a reasonable period of time after completing an inspection, the reviewer shall make a report in writing to the General Manager.

Record

(15) In this section,

“record” means any document or record of information, in any form, including a record that contains personal information.

Copy constitutes evidence

42 (1) In any proceeding, other than a prosecution, a copy of an inspection report that appears to be signed by a reviewer or the General Manager, or a copy of a decision of the General Manager made under this Act or the regulations, is admissible as evidence of the inspection report or decision and of the facts appearing in the document without further proof.

Same

(2) In any proceeding, other than a prosecution, a copy of a record or thing made under clause 41 (7) (c) that appears to be certified as a true copy of the original by a reviewer is admissible as evidence of the record or thing and of the facts appearing in it without further proof.

Same, prosecution

(3) In any prosecution, a copy of a decision, direction or inspection report made under this Act or the regulations that appears to be signed by a reviewer or the General Manager is admissible as evidence, in the absence of evidence to the contrary, of the decision, direction or inspection report and of the facts appearing in the document without further proof.

Same

(4) In any prosecution, a copy of a record or thing made under clause 41 (7) (c) that appears to be certified as a true copy of the original by a reviewer is admissible as evidence, in the absence of evidence to the contrary, of the record or thing and of the facts appearing in it without further proof.

Transition

(5) This section applies, with necessary modification, to any notice of the General Manager issued under subsection 18 (14) or (15) of this Act as they existed before subsection 32 (1) of Schedule 15 to the *Plan to Build Ontario Together Act, 2019* came into force.

Order to enter

42.1 (1) On application without notice, a justice may issue an order authorizing a reviewer named in the order to enter a place specified in the order and to exercise any of the powers mentioned in subsection 41 (7), if the justice is satisfied on information under oath that the reviewer has been prevented from entering a place that may be entered under section 41, or has been prevented from exercising a power mentioned in subsection 41 (7), or that there are reasonable grounds to believe that the reviewer will be prevented from entering the place or exercising the power.

Expiry

(2) An order shall name a date on which it expires, which shall not be later than 30 days after the order is issued.

Extension of time

(3) A justice may extend the date on which an order expires for an additional period of no more than 30 days, upon application without notice by the reviewer named in the order.

Police assistance

(4) A reviewer named in an order may call upon a police officer for assistance in executing the order and the police officer may use whatever force the police officer considers necessary to execute the order.

Time of execution

(5) An order may be executed only between 6 a.m. and 9 p.m. unless the order specifies otherwise.

Other matters

(6) Subsections 41 (3) to (4) and (6) to (14) apply, with necessary modifications, to the execution of an order.

Obstruction offence

42.2 Where a reviewer is conducting an inspection under section 41 or executing an order under section 42.1 or where a provincial offences officer is executing a warrant under section 158 or 158.1 of the *Provincial Offences Act* with respect to a matter relevant to this Act, no person shall,

- (a) hinder, obstruct or interfere with the reviewer or officer, or otherwise impede the reviewer or officer;

- (b) destroy or alter a record or other thing that has been demanded under clause 41 (8) (b) or that is the subject of a warrant under section 158 or 158.1 of the *Provincial Offences Act*; or
- (c) fail to do anything required under subsections 41 (9) or (11) or subsection 42.3 (7).

Production order

42.3 (1) On application without notice by a provincial offences officer, a justice may issue a production order to a person, other than a person under investigation for an offence, requiring the person to,

- (a) produce documents or copies of documents, certified by affidavit to be true copies, or produce data; or
- (b) prepare a document based on documents or data already in existence and produce it.

Contents of order

(2) A production order must stipulate when, where and how the documents or data are to be produced, and to whom they are to be produced.

Grounds

(3) A justice may make a production order if satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

Conditions

(4) A production order may contain any conditions the justice considers advisable.

Evidence

(5) A copy of a document or data produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document or data would have if it had been proved in the ordinary way.

No return of copies

(6) Copies of documents or data produced under this section are not required to be returned to the person who provided them.

Compliance required

(7) A person to whom a production order is directed shall comply with the order according to its terms.

Not compellable witness

42.4 A reviewer or person who, at the request of a reviewer, accompanies a reviewer in doing anything authorized under this Act is not a compellable witness in a civil suit or any proceeding respecting any information or material furnished, obtained, made or received by them under this Act while acting within the scope of their employment.

Protection of information

42.5 In a prosecution for an offence under this Act or where documents or materials provided for under section 42.3 of this Act or sections 158 to 160 of the *Provincial Offences Act* are filed with a court in relation to an inspection or an investigation into an offence under this Act, the court may, at any time, take precautions to avoid the disclosure by the court or any person of any personal information about an individual, including, where appropriate,

- (a) removing the identifying information of any person whose personal information is referred to in any documents or materials;
- (b) receiving representations without notice;
- (c) conducting hearings or parts of hearings in private; or
- (d) sealing all or part of the court files.

Certain documents

42.6 (1) In any proceeding under this Act, the *Commitment to the Future of Medicare Act, 2004* or the *Independent Health Facilities Act*, a document purporting to be an extract of data or information from any database maintained and used by the Ministry in the ordinary course of business to record and track information about claims made under this Act or the *Independent Health Facilities Act* and payments made under this Act or that Act that appears to be certified as a true extract by the General Manager is admissible as evidence of the information contained in the extract and of the facts appearing in it without further proof.

Prosecutions

(2) Subsection (1) does not apply in respect of a prosecution.

(2) Subsections 41 (2) and (3) of the Act, as enacted by subsection (1), are repealed and the following substituted:

Other reviewers

(2) Every inspector appointed by the executive officer under the *Oversight of Health Facilities and Devices Act, 2017* is, by virtue of office, also a reviewer for the purposes of this Act.

Certificate of appointment

(3) The Minister or General Manager shall issue to every reviewer, other than reviewers mentioned in subsection (2), a certificate of appointment which the reviewer shall produce, upon request, when acting in the performance of their duties. A reviewer mentioned in subsection (2) shall produce their certificate of appointment issued under the *Oversight of Health Facilities and Devices Act, 2017*.

(3) Subsection 42.6 (1) of the Act, as enacted by subsection (1), is amended by striking out “Independent Health Facilities Act” wherever it appears and substituting in each case “Oversight of Health Facilities and Devices Act, 2017”.

32 Section 43 of the Act is repealed and the following substituted:

Offence, payment without entitlement

43 (1) No person shall obtain or attempt to obtain payment for any insured service that the person knows or ought to have known they are not entitled to obtain under this Act or the regulations.

Offence, benefits without entitlement

(2) No person shall receive or attempt to receive the benefit of any insured service that the person knows or ought to have known they are not entitled to receive under this Act or the regulations.

False information

(3) No person shall give information that they knew or ought to have known was false in an application, return, statement, account or claim for payment provided to the Plan or to the General Manager in respect of any matter under this Act or the regulations, including in any information provided under section 17.3.

33 Section 44 of the Act is repealed and the following substituted:

General penalty, individual

44 (1) Every individual who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and is liable,

- (a) for a first offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than 12 months, or to both; and
- (b) for a subsequent offence, to a fine of not more than \$100,000 or to imprisonment for a term of not more than 12 months, or to both.

No imprisonment for record-keeping offences

(2) Despite subsection (1), no person may be sentenced to a term of imprisonment for failing to keep or maintain records under section 17.4.

Same, corporation

(3) Every corporation that contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and is liable to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$500,000 for a subsequent offence.

Compensation or restitution

(4) The court that convicts a person of an offence under this section may, in addition to any other penalty, order that the person pay compensation or make restitution to any person who suffered a loss as a result of the offence.

No limitation

(5) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this Act.

Presiding judge

(6) The Crown may, by notice to the clerk of the Ontario Court of Justice, require that a provincial judge preside over a proceeding in respect of an offence under subsection (1).

34 (1) Subsection 45 (1) of the Act is amended by adding the following clauses:

- (q) defining or clarifying the meaning of any word or expression used in this Act but not otherwise defined in this Act;

- (q.1) respecting section 16.2, including, without being limited to,
 - (i) governing the process of applying for billing privileges,
 - (ii) governing the information that may be required by the General Manager;

(2) Clause 45 (1) (t) of the Act is repealed and the following substituted:

- (t) assigning additional duties to the General Manager and the Appeal Board;

(3) Clause 45 (1) (z.1) of the Act is repealed and the following substituted:

- (z.1) providing for and governing anything that this Act refers to as being prescribed or provided for in the regulations, or as being required to be done in accordance with the regulations or as being subject to the regulations.

35 Schedule 1 to the Act is repealed and the following substituted:

SCHEDULE 1
PHYSICIAN PAYMENT REVIEW PROCESS

Definitions

1 In this Schedule,

“review panel” means a panel selected under subsection 2 (1); (“comité de révision”)

“the Act” means the *Health Insurance Act*. (“la Loi”)

Request for a hearing, general

2 (1) When the Appeal Board receives a notice that requests a hearing under paragraph 3 or 4 of subsection 20 (1) of the Act and proof of service of the notice, the chair of the Appeal Board or, in his or her absence, a vice chair shall select a panel in accordance with section 4 to hear and determine the matter before it.

Timing

(2) A panel selected under subsection (1) shall conduct the hearing in a timely manner within the prescribed time, if any, and shall make an order with written reasons within 30 business days of the close of submissions, or, if another time has been prescribed, within that time.

Parties

(3) The parties to a hearing under subsection (1) are the General Manager and the physician or physicians named in the notice that requests a hearing.

Order of Appeal Board

(4) An order of a review panel is for all purposes an order of the Appeal Board.

Period of review

3 The physician under review shall only be required to reimburse the Plan for services provided in a period that is no more than 24 months in duration and that commenced no more than five years before the General Manager’s request for a review.

Panels

4 A review panel shall consist of three members of the Appeal Board selected as follows:

1. The chair of the Appeal Board or, in his or her absence, a vice chair shall select the members of the panel that will conduct the hearing and determine the matter before it. The chair or the vice chair may be a member of a panel.
2. One of the members must be a physician, but no more than one.
3. At least one member must be a member of the Law Society of Ontario who is licensed to practise law in Ontario as a barrister and solicitor.
4. The chair or vice chair of the Appeal Board, as the case may be, shall designate one of the members of the review panel as the chair of the panel.

Hearing by review panel

5 A review panel shall hear and determine the matter before it.

Orders

6 (1) The review panel may, as an order of the Appeal Board, make any order that it considers appropriate, including, without being limited to, any one or more of the following:

1. An order determining the proper amount, if any, to be paid to the physician in accordance with the Act and the regulations for the service provided, and requiring that the General Manager pay the account in the amount set out in the order or that the physician reimburse the Plan in the amount set out in the order.
2. An order that, in the future, the physician submit claims for insured services to the Plan or to insured persons in accordance with the order of the Appeal Board.
3. An order that the physician's entitlement to submit claims for insured services to the Plan or to receive payments from an insured person cease or be suspended for a period of time provided for in the order.

Additional orders

(2) The General Manager may enter in evidence before the review panel a random sample of claims submitted by the physician to the Plan in respect of a fee code during the period of review and, in addition to any other order it may make under subsection (1), the review panel may, in circumstances that it considers appropriate, order that the General Manager calculate the amount to be reimbursed for that fee code for that period, or a portion of that period, by assuming the results observed in the random sample are representative of all the claims during the period in question, where the review panel determines that,

- (a) the physician is liable to reimburse the Plan; and
- (b) the sample was random and had a reasonable confidence interval.

Effect of suspension, etc.

(3) If a physician is the subject of an order under paragraph 3 of subsection (1), all insured services rendered by him or her during the period the order is in effect are deemed to be insured services payable at nil.

MINISTRY OF HEALTH AND LONG-TERM CARE ACT

36 (1) Section 1 of the *Ministry of Health and Long-Term Care Act* is amended by adding the following definition:

“personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* and includes personal health information as defined in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels”)

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

Publication

11.1 (1) Subject to the regulations, if any, the Minister is authorized to publish information, including personal information other than personal health information, that relates to any payments under this Act to a physician, practitioner or health facility within the meaning of the *Health Insurance Act*, including payments that are made to a person or entity pursuant to an agreement under paragraph 4 of subsection 6 (1).

Exception

(2) This section does not authorize the publication by the Minister of information concerning an opinion that the General Manager has formed under subsection 18 (8) or section 18.2 of the *Health Insurance Act*, or a hearing that the General Manager has requested in connection with such an opinion.

(3) Section 12 of the Act is amended by adding the following clause:

- (a.1) governing and respecting the information that may be published under section 11.1;

(4) Section 12 of the Act is amended by adding the following subsection:

Deemed provisions

(2) The Lieutenant Governor in Council may make regulations providing for provisions that shall be deemed to be included in agreements made under this Act that require reporting of physician payments to individual physicians from remuneration paid under such agreements, and which shall be deemed to be included in agreements entered into before the regulations were made and before subsection 37 (4) of Schedule 15 to the *Plan to Build Ontario Together Act, 2019* came into force.

MINISTRY OF HEALTH AND LONG-TERM CARE APPEAL AND REVIEW BOARDS ACT, 1998

37 (1) Subsections 7 (1) and (3) of the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* are repealed and the following substituted:

Composition

(1) The Board shall be composed of at least 20 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister of Health.

Lawyer members

(2) At least three members of the Board must be members of the Law Society of Ontario who are licensed to practice law in Ontario as barristers and solicitors.

Physician members

(3) At least three members of the Board must be legally qualified medical practitioners, but the majority of the members of the Board must not be legally qualified medical practitioners.

(2) **Section 7.1 of the Act is repealed.**

REGULATED HEALTH PROFESSIONS STATUTE LAW AMENDMENT ACT, 2009

38 Subsections 11 (5) to (11) of the *Regulated Health Professions Statute Law Amendment Act, 2009* are repealed.

STRENGTHENING QUALITY AND ACCOUNTABILITY FOR PATIENTS ACT, 2017

39 Subsections 97 (8) and (9) of Schedule 9 to the *Strengthening Quality and Accountability for Patients Act, 2017* are repealed.

COMMENCEMENT AND SHORT TITLE

Commencement

40 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

(2) Subsections 3 (2), 4 (2), 5 (2), 15 (2), 16 (2), 21 (2) and 31 (2) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 16
HELLENIC HERITAGE MONTH ACT, 2019

Preamble

The Hellenic Canadian community is a vibrant community in Ontario and continues to make significant contributions through its history, language, culture and work ethic.

March is a significant month for the Hellenic community and March 25 is celebrated each year as Greek Independence Day. Proclaiming March as Hellenic Heritage Month provides an opportunity to remember, celebrate and educate future generations about the outstanding achievements and contributions of the Hellenic Canadians in the province.

Hellenic Heritage Month

1 The month of March in each year is proclaimed as Hellenic Heritage Month.

Commencement

2 The Act set out in this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

Short Title

3 The short title of the Act set out in this Schedule is the *Hellenic Heritage Month Act, 2019*.

SCHEDULE 17
HIGHER EDUCATION QUALITY COUNCIL OF ONTARIO ACT, 2005

1 Section 6 of the *Higher Education Quality Council of Ontario Act, 2005*, is amended by adding the following clause:

- (b.1) to evaluate anything else specified by the Minister, including programs and services provided by the Ministry or other programs and services related to post-secondary education that are provided or funded by the Government of Ontario, in whole or in part, and to report to the Minister on the results of the evaluation;

Commencement

2 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 18 HIGHWAY TRAFFIC ACT

1 Section 4.1 of the *Highway Traffic Act* is repealed and the following substituted:

Power to do things electronically

4.1 (1) Anything that the Minister, the Ministry or the Registrar is required or authorized to do or to provide under this Act may be done or provided by electronic means or in an electronic format.

Same

(2) Anything that any person is required or authorized to do or to provide to the Minister, the Ministry or the Registrar under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Ministry.

Service and delivery by electronic means

(3) Where notice is required or allowed under this Act to be given or delivered to, or served on a person, the notice may be given by electronic means in accordance with the regulations.

Regulations re electronic documents

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

- (a) providing for the use of electronic documents, including electronic licences, permits or certificates, reports, schedules and daily logs when a driver or other person is required by this Act or the regulations to carry, present, keep, display or surrender a document or card, or to display on a number plate evidence of validation of a permit, and in other prescribed situations;
- (b) governing the use, issuance, creation, recording, storage, transmission, copying, display, appearance, form or content of electronic documents;
- (c) where a regulation described in clause (a) provides for the use of electronic documents, providing that specified requirements set out in this Act or the regulations do not apply;
- (d) governing electronic means of giving notice under subsection (3), including the conditions that must be met before using such means, and specifying the provisions of this Act or regulations under which electronic means may be used;
- (e) governing the admissibility of electronic documents in court;
- (f) governing the circumstances in which the information set out in an electronic document is deemed to be true, and in which the electronic document or a copy or excerpt of it shall be received in evidence as proof of the information set out in it.

Conflict

(5) In the event of a conflict between a regulation made under this section and this Act, the regulation prevails.

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

- (c) if required under the regulations, evidence of the current validation of the permit is affixed to a number plate in the prescribed manner.

(2) Clause 7 (24) (f) of the Act is repealed and the following substituted:

- (f) governing whether evidence of validation of a permit is required to be affixed to a number plate and governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the validation of permits on motor vehicles;

3 (1) Subsection 9 (1.1) of the Act is repealed and the following substituted:

Same

(1.1) Every person who, under this Act, submits a false or inaccurate document or electronic document, or displays, presents or surrenders a document or electronic document that is fictitious, an imitation or altered, is guilty of an offence and on conviction, in addition to any other penalty or punishment to which the person may be liable, is liable to a fine of not less than \$400 and not more than \$5,000 or to imprisonment for a term of not more than 30 days, or to both, and in addition the person's driver's licence or vehicle permit may be suspended for a period of not more than six months.

Defence

(1.2) A person is not guilty of an offence under subsection (1) or (1.1) if the person exercised all reasonable care to avoid contravening the provision.

(2) Subsection 9 (6) of the Act is amended by adding "or (1.1)" after "subsection (1)".

4 Clause 16 (3) (b) of the Act is amended by striking out “an original fleet limitation certificate” and substituting “the fleet limitation certificate”.

5 (1) Subsection 60 (1) of the Act is repealed and the following substituted:

Second-hand vehicles, trailers, bicycles — offences

Record-keeping

(1) Every person who buys, sells, wrecks or otherwise deals in second-hand motor vehicles, trailers or bicycles shall keep the prescribed records of all motor vehicles, trailers or bicycles bought, sold or wrecked.

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

Regulations

(8) The Lieutenant Governor in Council may make regulations prescribing records that shall be kept for the purposes of subsection (1).

6 Section 110 (6) of the Act is amended by striking out “the original of the permit” and substituting “the original permit or a copy of it”.

7 Subsection 190 (7) of the Act is amended by adding the following clause:

- (e) prescribing and governing electronic logging devices to be used to record information, and governing the electronic books, logs and records to be made and kept.

8 (1) Section 225 of the Act is amended by adding the following subsections:

Production of records

(1.1) An officer of the Ministry may direct a person who is required to keep records under this Act or the regulations to produce the records in the manner and at the time and place specified by the officer.

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Electronic documents

(2.1) For the purposes of this section, a record includes an electronic document.

Idem

(2.2) A requirement under this Act to produce a document may be fulfilled by producing an electronic version of the document that complies with the regulations made under subsection 4.1 (4).

Idem

(2.3) In exercising his or her powers under subsection (1), (1.1) or (2), an officer may require that an electronic document be,

- (a) stored on a data storage, processing or retrieval device or system specified by the officer and produced to the officer; or
- (b) transmitted by email or other method of electronic transmission to the officer.

(2) Subsections 225 (5) and (6) of the Act are repealed and the following substituted:

Obstruction prohibited

(5) No person shall obstruct any officer from doing anything that he or she is authorized by this section to do, withhold from the officer any document that the officer has directed to be produced or conceal or destroy any record that the officer is authorized to examine or to copy.

Penalty

(6) Every person who contravenes subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

Commencement

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

SCHEDULE 19 INDEPENDENT HEALTH FACILITIES ACT

1 Subsection 1 (1) of the *Independent Health Facilities Act* is amended by adding the following definitions:

“compliance order” means an order made under section 40.1; (“ordre de conformité”)

“justice” has the same meaning as in the *Provincial Offences Act*; (“juge”)

“personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* and includes personal health information as defined in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels”)

“Plan” means the Ontario Health Insurance Plan referred to in section 10 of the *Health Insurance Act*; (“Régime”)

“potential licensee” means a person who is permitted to operate an independent health facility under subsection 7 (6) or to provide a service under subsection 8 (5); (“titulaire éventuel de permis”)

“provincial offences officer” has the same meaning as in the *Provincial Offences Act*; (“agent des infractions provinciales”)

“regulated health professional” means a health professional whose profession is regulated under the *Regulated Health Professions Act, 1991*; (membre d’une profession de la santé réglementée)

“requirement under this Act” means a requirement contained in this Act or its regulations, or set out in a compliance order or other order authorized under this Act or a requirement that is a limitation and condition of a licence or condition of receiving funding; (“exigence que prévoit la présente loi”)

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

Obtaining funding to which not entitled

(4) No person shall obtain, receive or attempt to obtain or receive any of the following that the person is not entitled to obtain or receive under this Act or the regulations:

1. Payment for or in respect of an independent health facility.
2. Payment for or in respect of a service provided in an independent health facility.

3 Section 5 of the Act is repealed and the following substituted:

Applications

5 (1) The Minister may at any time authorize the Director to call for one or more applications for the establishment and operation of one or more independent health facilities by,

- (a) sending a call for applications to one or more specified persons; or
- (b) publishing a call for applications in any manner the Director considers appropriate.

Same

(2) In deciding whether or not to authorize the Director to call for applications, the Minister shall consider,

- (a) the nature of the services to be provided in the independent health facility;
- (b) the extent to which the services are already available in Ontario or in any part of Ontario;
- (c) the need for the services in Ontario or any part of Ontario;
- (d) the future need for the services in Ontario or any part of Ontario;
- (e) the projected cost in public money for the establishment and operation of the independent health facility;
- (f) the availability of public money to pay for the establishment and operation of the independent health facility; and
- (g) any other matter that the Minister considers relevant to the management of the health care system.

Contents of call for applications

(3) A call for applications shall specify,

- (a) the service or services to be provided in the independent health facility;
- (b) the locality in which the independent health facility is to be located;
- (c) such other requirements and limitations as the Minister considers relevant; and
- (d) the final date for submission of applications.

Submission of applications

(4) Persons interested in establishing and operating an independent health facility in response to a call for applications may submit applications to the Director.

Contents of application

- (5) An application shall set out,
- (a) the business and professional experience of the person submitting the application;
 - (b) details of the physical nature of the proposed facility;
 - (c) the nature of the service or services to be provided in the facility;
 - (d) the projected cost for the establishment and operation of the facility;
 - (e) details of the system that will be established to ensure the monitoring of the results of the service or services to be provided in the facility;
 - (f) details of the professional and other staff proposed for the facility; and
 - (g) such other information as is relevant to the requirements and limitations specified in the call for application.

Consideration of applications

(6) The Director shall consider the applications and may request additional information in respect of any application.

4 Subsections 6 (1) and (2) of the Act are repealed and the following substituted:

Issuance of licence

- (1) The Director may issue a licence to a person who has submitted an application for the establishment and operation of an independent health facility where the applicant has paid the prescribed fee, if any, and the Director is of the opinion that,
- (a) the application meets the criteria specified in the call for applications;
 - (b) the independent health facility will be operated in accordance with this Act and the regulations and any other applicable Act or regulation;
 - (c) the persons listed in subsection (1.1) will operate the independent health facility competently and in a responsible manner in accordance with this Act and the regulations and will ensure that the services specified in the call for applications are provided;
 - (d) the past conduct relating to the operation of an independent health facility or any other matter or business of a person listed in subsection (1.1) affords reasonable grounds to believe that,
 - (i) the facility will be operated with honesty and integrity and in accordance with the law, and
 - (ii) the facility will not be operated in a manner that is prejudicial to the health, safety or welfare of any person; and
 - (e) there is no other reason that the person should not be issued a licence.

Relevant persons

(1.1) The following are the persons listed for the purposes of clauses (1) (c) and (d):

1. The person who has submitted the application.
2. If the person who has submitted the application is a corporation, the officers and directors of the corporation and any other person with an interest affecting control of the corporation.
3. If the person with an interest affecting control mentioned in paragraph 2 is a corporation, the officers and directors of the corporation.
4. Any other prescribed persons.

Discretion

(2) The issuance of a licence to a person who meets the requirements of subsection (1) is discretionary and, despite a call for applications or negotiations in respect of an application, the Director,

- (a) is not required to issue a licence to any person; and
- (b) may prefer any application over other applications.

5 Section 9 of the Act is repealed and the following substituted:

Minister may direct refusal to issue licence

9 (1) At any time after the Minister authorizes the Director to request one or more calls for applications for the establishment and operation of an independent health facility and before all of the licences are issued, the Minister may direct the Director in writing not to issue a licence in respect of the call for applications.

Matters to be considered

- (2) In deciding whether or not to issue a direction under subsection (1), the Minister shall consider,
- (a) the nature of the service or services provided or to be provided in the independent health facility;
 - (b) the extent to which the service or services is already available in Ontario or any part of Ontario;
 - (c) the need for the service or services in Ontario or any part of Ontario;
 - (d) the future need for the service or services in Ontario or any part of Ontario;
 - (e) the projected cost in public money for the establishment and operation of the independent health facility;
 - (f) the availability of public money to pay for the establishment and operation of the independent health facility; and
 - (g) any other matter that the Minister considers relevant to the management of the health care system.

Notice of direction not to license

(3) Upon receipt of a direction under subsection (1), the Director shall give written notice of the Minister's direction to each person who submitted an application in response to the call for applications.

Public notice

(4) If the Minister issues a direction under this section before the final day for the submission of applications, the Director shall, in addition to giving notice under subsection (3), publish notice of the direction in the same manner in which the call for applications was published.

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

Fees must be paid

(3) The Director shall not consent to transfer a licence unless the current holder of the licence has paid the prescribed fee, if any.

Requiring information

(4) The Director may require the licensee, proposed transferee or any other person to provide whatever information the Director considers necessary to decide whether or not to provide consent.

Compliance with requirements

(4.1) The Director may consent to a transfer subject to compliance with any requirements the Director considers necessary.

7 The Act is amended by adding the following sections:

Requirements for all applications

16.1 Every application under this Act must,

- (a) be in a form acceptable to the Director; and
- (b) contain any information, which may include personal information, that the Director considers necessary.

Requirements on licensee

16.2 (1) Every licensee and potential licensee shall comply with every applicable requirement under this Act.

Licensee responsible

(2) If the Director, an inspector or an assessor is of the opinion that any person under the control of a licensee is failing to comply with a requirement under this Act, the licensee shall be deemed not to have complied with the relevant requirement, and the Director, inspector or assessor may take any action permitted under this Act or the regulations in consequence.

Truthfulness

16.3 Every licensee and potential licensee shall provide truthful, complete and accurate information in any application, report, document or any other information required or requested under this Act or the regulations or as a limitation and condition of a licence or of receiving funding.

Incident review process

16.4 (1) Every licensee and potential licensee shall, in accordance with the requirements provided for in the regulations, if any, establish and maintain a process for the review of incidents.

Reporting of incidents

(2) Every licensee and potential licensee shall, in accordance with the requirements provided for in the regulations, if any, report incidents to the Director, and the report may include any necessary personal information related to such incidents.

Definition

(3) In this section,

“incident” means any unintended event that occurs when a patient receives services in an independent health facility,

- (a) that results in death, or serious disability, injury or harm to the patient, and
- (b) that does not result primarily from the patient’s underlying medical condition or from a known risk inherent in providing the service.

Posting

16.5 (1) Every licensee and potential licensee shall post the prescribed documents and information in a prominent place clearly visible to members of the public at or near the entrance of the independent health facility.

Compliance with regulations

(2) The documents and information must be posted in compliance with the requirements provided for in the regulations, if any.

8 (1) The Act is amended by adding the following section:

Renewal of licence

17.1 (1) A licence is renewable, subject to the consent of the Director.

Compliance with requirements

(2) The Director has the authority to make the granting of consent to a renewal of a licence subject to compliance with any requirements the Director considers necessary.

Director’s decision

(3) In deciding whether to grant a renewal, the Director shall take into consideration the following matters, as well as any matters that the Director would be entitled to take into consideration if the Director were making a decision under subsection 18 (1):

- 1. The licensee’s past conduct with respect to compliance with requirements under this Act.
- 2. Any actions taken by the licensee in response to a compliance order.

Fees must be paid

(4) The Director shall not renew the licence of a licensee unless the licensee has paid the prescribed fee, if any.

Requiring information

(5) The Director may require the licensee or any other person to provide whatever information the Director considers necessary to decide whether or not to provide consent.

Additional limitations and conditions

(6) At the time of renewing a licence, the Director may impose any limitations and conditions on the licence as the Director considers necessary in the circumstances.

Continuation of licence pending renewal

(7) Where, before the expiry of the licence, a licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where the licensee is served with notice that the Director does not consent to the renewal of a licence under this section, until the date specified by the Director in the notice.

Transition

(8) Despite subsections (1) to (7), any application to renew a licence that was submitted to the Director before the day subsection 8 (1) of Schedule 19 to the *Plan to Build Ontario Together Act, 2019* came into force shall be dealt with in accordance with the provisions of this Act as they read on the day the application was submitted.

(2) Subsection 17.1 (8) of the Act, as enacted by subsection (1), is repealed.

9 (1) Section 18 of the Act is repealed and the following substituted:

Revocation or suspension of licence

18 (1) The Director may revoke or suspend a licence where,

- (a) the licensee, any member of the licensee's staff, an employee of the licensee or any regulated health professional affiliated with the independent health facility is in contravention of any of the following,
 - (i) this Act or the regulations,
 - (ii) any other Act or regulation of Ontario, or
 - (iii) any Act or regulation of Canada;
- (b) there is a breach of a limitation or condition of the licence;
- (c) any person has made a false or misleading statement in any application made under this Act;
- (d) any person has made a false or misleading statement in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the independent health facility;
- (e) the Director is of the opinion that there is reasonable ground for belief that the independent health facility is not being or will not be operated in accordance with the law and with honesty and integrity;
- (f) the Director is of the opinion that there is reasonable ground for belief that the independent health facility is not being or will not be operated competently and in a responsible manner in accordance with this Act or the regulations or any other Act or regulation that applies to the facility;
- (g) the Director is of the opinion that there is reasonable ground for belief that the independent health facility does not meet the prescribed quality and standards, having regard to any factors the Director considers relevant, including, without being limited to,
 - (i) the nature of risks revealed in the course of assessments or inspections, and
 - (ii) the actions taken by the licensee in response to compliance orders;
- (h) the licensee has not operated the independent health facility for a period of at least six months and is not taking reasonable steps to prepare the facility to open or re-open;
- (i) the licensee is a corporation described in subsection 13 (1) that has permitted an issue or transfer contrary to that subsection, whether or not the licensee has been convicted of an offence under that subsection;
- (j) a corporation has failed to notify the Director contrary to section 14, whether or not the licensee has been convicted of an offence under that section;
- (k) the licensee has entered into a contract described in section 16 contrary to that section, whether or not the licensee has been convicted of an offence under that section;
- (l) the licensee has failed to comply with a request for information under section 37.2, whether or not the licensee has been convicted of an offence under that section;
- (m) the licensee, any member of the licensee's staff, any employee of the licensee or any regulated health professional affiliated with the independent health facility has failed to cooperate with an inspector under section 26.1 or an assessor under section 31;
- (n) the Director is of the opinion upon reasonable grounds that the independent health facility is being operated or will be operated in a manner that poses a risk of serious harm to a person's health and safety;
- (o) the licensee has failed to comply with a compliance order, whether or not the licensee has been convicted of an offence under section 39; or
- (p) where any other ground that may be prescribed applies.

When effective

(2) A decision of the Director under subsection (1) takes effect immediately upon being served upon the licensee, or, if another date is stipulated in the decision upon that date.

Transition

(3) Any licence suspension made under this section as it read before the day subsection 9 (1) of Schedule 19 to the *Plan to Build Ontario Together Act, 2019* came into force shall continue and shall be dealt with in accordance with the provisions of this section as they read at the time of the suspension.

(2) Subsection 18 (3) of the Act, as re-enacted by subsection (1), is repealed.

10 Subsection 19 (2) of the Act is amended by striking out "and" at the end of clause (e), by adding "and" at the end of clause (f) and by adding the following clause:

(g) any other matter that the Minister considers relevant to the management of the health care system.

11 (1) Subsections 20 (1), (2) and (3) of the Act are repealed and the following substituted:

Process where Director refuses renewal, revokes or suspends, etc.

(1) Where the Director does not consent to the renewal of a licence under section 17.1, revokes or suspends a licence under subsection 18 (1), or amends the limitations of licence under subsection 20.1 (1), the Director shall serve notice of the action, together with written reasons, on the licensee.

Notice requiring hearing by Board

(2) A notice under subsection (1) shall inform the licensee that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within 15 days after the notice under subsection (1) is served on the licensee, notice in writing requiring a hearing to the Director and the Board, and the licensee may so require such a hearing.

No stay

(3) Despite section 25 of the *Statutory Powers Procedure Act*, a request for a hearing by the Board made in accordance with subsection (2), or an appeal to Divisional Court of the Board's decision under section 22 of this Act, shall not operate as a stay of a decision of the Director mentioned in subsection (1).

No interim stay

(3.1) Despite section 16.1 of the *Statutory Powers Procedure Act*, the Board shall not make an interim order to stay a decision of the Director mentioned in subsection (1).

Onus

(3.2) In a hearing under this section, the onus is on the licensee to establish that the decision of the Director is not in accordance with this Act and the regulations.

(2) Subsection 20 (7) of the Act is repealed.

(3) Subsection 20 (8) of the Act is amended by striking out "proposes to refuse to consent to" in the portion before clause (a) and substituting "does not consent to".

12 (1) Subsection 20.1 (2) of the Act is repealed and the following substituted:

Same

(2) Despite subsection (1), the Director shall not amend the limitations of a licence to eliminate services from the list of services and types of services in respect of which an independent health facility is licensed unless,

- (a) the Director is of the opinion that there is reasonable ground for belief that the eliminated services are not being provided, or will not be provided, in a responsible manner in accordance with this Act or the regulations, or any other Act or regulation that applies to the facility;
- (b) the Director is of the opinion that there is reasonable ground for belief that the eliminated services are being provided, or will be provided, in a manner that is prejudicial to the health, safety or welfare of any person;
- (c) the licensee has not provided the services for a period of at least six months and is not taking reasonable steps to provide the services; or
- (d) any other prescribed circumstances apply.

(2) Subsections 20.1 (7), (8) and (9) of the Act are repealed.

13 Section 23 of the Act is repealed and the following substituted:

Service of notice

23 (1) Except where otherwise provided, any notice required by or provided for in this Act may be served by,

- (a) personal service;
- (b) courier;
- (c) registered mail; or
- (d) any other prescribed method.

When effective

(2) Service of a notice is effective,

- (a) in the case of a notice under clauses (1) (a) to (c), on the day of delivery; and
- (b) in the case of a notice under clause (1) (d), as provided for in the regulations.

Service by lettermail

(3) Where an attempt has been made to effect service by a method set out in subsection (1), and for any reason service could not be effected, service may be made by lettermail.

Same

(4) Service by lettermail shall be deemed to be effective 14 business days after the day of mailing, unless the person or entity on whom service is to be made establishes that the notice was not received until a later date for reasons that they could not control, in which case service is effective on the day that the notice is actually received.

14 (1) Subsection 24 (3) of the Act is repealed.

(2) Subsection 24 (5) of the Act is repealed.

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

Record-keeping

24.1 (1) For the purposes of this Act, every licensee and potential licensee shall maintain such records as may be necessary to establish whether they have provided a service to a person for or in respect of which a facility fee is charged or paid.

Same, providing service

(2) For the purposes of this Act, every licensee and potential licensee shall maintain such records as may be necessary to demonstrate that a service for which they prepare or submit a claim for payment is the service that they provided.

Same, necessary service

(3) For the purposes of this Act, every licensee and potential licensee shall maintain such records as may be necessary to establish whether a service they have provided is medically or therapeutically necessary.

Prompt preparation

(4) The records described in subsections (1), (2) and (3) must be prepared promptly when the service is provided.

Presumption

(5) In the absence of a record described in subsection (1) or (3), it is presumed that a service for or in respect of which a facility fee is charged or paid was provided and that the amount payable is nil.

Different service provided

(6) In the absence of a record described in subsection (2), the service that was provided is presumed to be the service, if any, that the Minister considers to be described in the records as having been provided and not the service for which the claim for payment was prepared or submitted.

Refusal to pay if not required form, etc.

24.2 The Minister shall refuse to pay if the claim for payment is not prepared in the required form, does not meet the prescribed requirements or is not submitted to the Minister within the prescribed time. However, the Minister may pay if, in the Minister's opinion, there are extenuating circumstances.

Refusal to pay, pay reduced amount or substitute amount: circumstances

24.3 (1) Under any of the following circumstances, the Minister may, with respect to a claim for payment for a service provided by a licensee or potential licensee, refuse to pay for the service, pay a reduced amount for the service, pay for the service the Minister considers to have been provided and not the service described in the claim that was submitted or require reimbursement of the amount paid for the service:

1. If the Minister is of the opinion that any or all of the following apply:
 - i. all or part of the service was not in fact rendered,
 - ii. the service has not been rendered in accordance with a requirement under this Act, or
 - iii. there is an absence of a record described in section 24.1.
2. If the Minister is of the opinion that the nature of the service is misrepresented, whether deliberately or inadvertently.
3. If the Minister is of the opinion that all or part of the service was not provided in accordance with prescribed quality and standards or, in the absence of regulations, not provided in accordance with generally accepted quality and standards for the facility and the service or services to be provided in the facility.
4. In such other circumstances as may be prescribed.

Statistical methods

(2) The Minister may, in determining amounts to be reimbursed under this section, use a random sample with a reasonable confidence interval of claims submitted by the licensee in respect of a service during a specified period of time and calculate the amount to be reimbursed for that service for that period or a portion of that period by assuming the results observed in the random sample are representative of all of the claims submitted by the licensee for that service during the period in question.

Pre-payment refusal to pay, pay reduced amount or substitute amount

(3) Where the Minister is of the opinion that a circumstance described in subsection (1) exists and has made a decision to refuse to pay or pay a reduced amount to a licensee or potential licensee, or to pay for the service the Minister considers to have been provided and not the service described in the claim, the Minister shall notify the licensee or potential licensee of the decision and the action taken.

Post-payment notice that reimbursement is required

(4) Where the Minister has made a payment to a licensee or potential licensee and the Minister is of the opinion that a circumstance described in subsection (1) exists and that reimbursement to the Minister is required, the Minister shall notify the licensee or potential licensee of the decision to require reimbursement and the amount of reimbursement that is required.

Recovery by Minister

(5) The Minister may obtain or recover money that, in the opinion of the Minister, a licensee or potential licensee owes to the Minister by any method, including, without being limited to, set-off against any money payable to them under this Act or, in the event that the licensee or potential licensee is a physician, any money payable to them under the Plan, unless another method of payment is agreed to by the Minister.

Not a decision

(6) For greater certainty, a refusal to pay under section 24.2 is not a decision for the purposes of this section.

Patient not to pay

(7) No person shall charge or accept payment or other benefit from an insured person for a service that is the subject of a decision of the Minister under this section, except as may be provided for in the regulations, if any.

Reimbursement, non-entitled person

24.4 The Minister may require reimbursement from a person for an amount paid under this Act in support of an insured service rendered to the person if, after the payment is made, the Minister determines that the person was not an insured person and was not entitled to have a payment made under this Act with respect to the service.

Debt

24.5 The requirement to reimburse the Minister under section 24.3 or 24.4 creates a debt owed to the Crown in right of Ontario in the amount set out in the decision of the Minister.

Transitional

24.6 Sections 24.3 and 24.4 apply whether the service or payment in question occurred before or after the coming into force of subsection 15 (1) of Schedule 19 to the *Plan to Build Ontario Together Act, 2019*.

Settlement

24.7 Nothing in this Act prevents the Minister and a licensee or a potential licensee from entering into an agreement at any time, and despite any other provision of this Act, with respect to amounts to be paid or recovered with respect to claims for services. However, for greater certainty, the Minister is not required to enter into any such agreement.

Interest

24.8 Where the Minister has required payment under section 24.3, interest accrues on the amount that is required to be paid commencing on the date of the Minister's decision, at the rate for postjudgment interest provided for under section 127 of the *Courts of Justice Act*.

Hearing by Board

24.9 (1) The following persons may request a hearing by the Board with respect to the following matters:

1. A licensee or potential licensee may request a hearing to review a decision of the Minister under subsection 24.3 (3) or (4).
2. A person may request a hearing to review a decision of the Minister under section 24.4.

Notice of request

(2) The person requesting a hearing shall file a notice of the request within 30 days after receiving notice of the decision of the Minister.

Restrictions on hearing requests

- (3) For greater certainty,
- (a) a licensee or potential licensee may request a hearing only for those matters provided for under subsection 24.3 (3) or (4) and with respect to them, only those matters may be the subject of a hearing by the Board in accordance with this Act; and
 - (b) a licensee or potential licensee may not request a hearing with respect to a decision by the Minister to pursue a remedy in contract or otherwise by operation of law.

Powers of Board

24.10 (1) If a person requests a hearing, the Board shall appoint a time for and hold the hearing and following the hearing may, by order, direct the Minister to take such action as the Board considers the Minister should take in accordance with this Act and the regulations.

Extension of time for hearing

(2) The Board may extend the time for the giving of notice by a person requesting a hearing under this section, either before or after expiration of such time, where it is satisfied that there are apparent grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Onus

(3) In any hearing under this section, the onus is on the person, licensee or potential licensee to establish that the decision of the Minister is not in accordance with this Act and the regulations.

Costs

(4) In a hearing under paragraph 1 of subsection 24.9 (1), the Board may make an order granting costs to any party, subject to any rules or limitations that may be provided for in the regulations, and despite any other rules of the Board respecting costs and despite the *Statutory Powers Procedure Act*.

Interest payable by Minister

(5) If the Board has concluded that an amount is payable by the Minister to a licensee, potential licensee or any other person, interest calculated at the rate provided for post judgment interest under section 127 of the *Courts of Justice Act* accrues from the date of recovery under subsection 24.3 (5).

No stay

(6) Despite section 25 of the *Statutory Powers Procedure Act*, a request for a hearing under paragraph 1 of subsection 24.9 (1) of this Act does not have the effect of staying the decision with respect to which the request was made.

No interim order to stay

(7) Despite section 16.1 of the *Statutory Powers Procedure Act*, the Board shall not make an interim order to stay the decision with respect to which the request was made.

May only order authorized payments

(8) For greater certainty, the Board may only order payments that are authorized under this Act.

Minister and Director are parties

(9) The Minister and the Director, as applicable, are parties to a hearing under this section.

Appeal to Board

24.11 (1) Any party to the proceedings before the Board under section 24.10 may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to be filed in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Divisional Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Minister to take any action which the Board may direct the Minister to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Minister or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

No stay

(4) Despite section 25 of the *Statutory Powers Procedure Act*, an appeal under this section does not have the effect of staying the decision with respect to which the appeal is made.

(2) Section 24.6 of the Act, as enacted by subsection (1), is repealed.

16 Section 25 of the Act is repealed and the following substituted:

Inspectors

25 (1) The Minister or the Director may appoint, in writing, one or more persons, or the members of any class of persons, as inspectors for the purpose of ensuring compliance with this Act and the regulations, subject to any limitations the Minister or Director may provide for in the appointment.

Inspectors by virtue of office

(2) Every reviewer appointed under the *Health Insurance Act* is, by virtue of office, an inspector for the purposes of this Act and shall be deemed to have been appointed for the purpose mentioned in subsection (1).

Certificate of appointment

(3) The Minister or Director shall issue to every inspector appointed under subsection (1) a certificate of appointment which the inspector shall produce, upon request, when acting in the performance of their duties. An inspector mentioned in subsection (2) shall produce their certificate of appointment issued under the *Health Insurance Act*.

17 Section 26 of the Act is amended by adding the following subsection:

Certificate of appointment

(3.1) The Registrar shall issue to every inspector appointed under subsection (3) a certificate of appointment which the inspector shall produce, upon request, when acting in the performance of their duties.

18 The Act is amended by adding the following section:

Purpose of inspection

26.1 (1) An inspector acting within the scope of their appointment may enter any of the following places at any reasonable time to conduct inspections in accordance with the purpose for which the inspector was appointed, as provided for in section 25 or 26, as the case may be:

1. A licensed independent health facility or a place in respect of which an application for or related to a licence has been made.
2. Any business premises of a person or entity that owns or operates one or more independent health facilities.
3. Any place that the inspector suspects on reasonable grounds is operating as an independent health facility.
4. Any facility being operated by a potential licensee.
5. Any place where a licensee, potential licensee or person who may be operating an independent health facility maintains records that relate in any way to,
 - i. the charging and accepting of facility fees, or
 - ii. the provision of services at an independent health facility.

Dwellings

(2) No inspector shall enter a part of a place that is being used as a dwelling, except with the consent of the occupier of the part of the place or under the authority of an order under section 34.

Use of force

(3) An inspector is not entitled to use force to enter and inspect a place.

Powers of inspector

(4) An inspector conducting an inspection may, if the inspector considers it to be relevant to the inspection,

- (a) examine records or anything else;
- (b) demand the production of a record or any other thing;
- (c) upon providing a receipt, remove a record or any other thing for review, examination or copying;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;

- (e) take photographs or make any other kind of recording but only in a manner that does not intercept any private communication and that is in keeping with reasonable expectations of privacy;
- (f) question a person about a matter relevant to the inspection;
- (g) call upon experts who may enter the premises and provide assistance to the inspector in carrying out the inspection in any manner that the inspector considers necessary; and
- (h) if the consent of the person who is to receive the services has been obtained, observe the staff of the facility in providing services to members of the public.

Written demand

- (5) A demand under this section that a record or any other thing be produced must be in writing and must include,
 - (a) a statement of the nature of the record or thing required; and
 - (b) a statement of when the records and other things are to be produced.

Obligation to produce and assist

- (6) If an inspector demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, shall, on request, provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Records and things removed from place

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

Co-operation

- (8) Every person shall give all reasonable assistance to an inspector in the exercise of the inspector's powers or the performance of the inspector's duties under this Act or the regulations.

Confidentiality

- (9) An inspector shall keep confidential all information that comes to his or her knowledge in the course of his or her duties under this section and shall not communicate any information to any other person except as permitted or required by law or except where the communication is to,
 - (a) the Director or a person employed in or performing services for the Ministry; or
 - (b) in the case of an inspector appointed under section 26, the Registrar, and the Registrar of any other relevant College under the *Regulated Health Professions Act, 1991*.

Inspection report

- (10) Within a reasonable period of time after completing an inspection, or at any other time upon the written request of the Director, an inspector appointed under section 25 shall make a report in writing to the Director.

Record

- (11) In this section,

“record” means any document or record of information, in any form, including a record that contains personal information.

19 Section 32 of the Act is repealed.

20 Sections 33, 34 and 35 of the Act are repealed and the following substituted:

Copy constitutes evidence

- 33** (1) In any proceeding, other than a prosecution, a copy of an inspection report that appears to be signed by an inspector or the Director, or a copy of a decision of the Director made under this Act or the regulations, is admissible as evidence of the inspection report or decision and of the facts appearing in the document without further proof.

Same

- (2) In any proceeding, other than a prosecution, a copy of a record or thing made under clause 26.1 (4) (c) that appears to be certified as a true copy of the original by an inspector is admissible as evidence of the record or thing and of the facts appearing in it without further proof.

Same, prosecution

(3) In any prosecution, a copy of a decision, direction or inspection report made under this Act or the regulations that appears to be signed by an inspector or the Director is admissible as evidence, in the absence of evidence to the contrary, of the decision, direction or inspection report and of the facts appearing in the document without further proof.

Same

(4) In any prosecution, a copy of a record or thing made under clause 26.1 (4) (c) that appears to be certified as a true copy of the original by an inspector is admissible as evidence, in the absence of evidence to the contrary, of the record or thing and of the facts appearing in it without further proof.

Order to enter

34 (1) On application without notice, a justice may issue an order authorizing an inspector named in the order to enter a place specified in the order and to exercise any of the powers mentioned in subsection 26.1 (4), if the justice is satisfied on information under oath that the inspector has been prevented from entering a place that may be entered under section 26.1, or has been prevented from exercising a power mentioned in subsection 26.1 (4), or that there are reasonable grounds to believe that the inspector will be prevented from entering the place or exercising the power.

Expiry

(2) An order shall name a date on which it expires, which shall not be later than 30 days after the order is issued.

Extension of time

(3) A justice may extend the date on which an order expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the order.

Police assistance

(4) An inspector named in an order may call upon a police officer for assistance in executing the order and the police officer may use whatever force the police officer considers necessary to execute the order.

Time of execution

(5) An order may be executed only between 6 a.m. and 9 p.m. unless the order specifies otherwise.

Other matters

(6) Subsections 26.1 (2) and (4) to (9) apply, with necessary modifications, to the execution of an order.

Obstruction offence

35 Where an inspector is conducting an inspection under section 26.1 or executing an order under section 34 or where a provincial offences officer is executing a warrant under section 158 or 158.1 of the *Provincial Offences Act* with respect to a matter relevant to this Act, no person shall,

- (a) hinder, obstruct or interfere with the inspector or officer, or otherwise impede the inspector or officer;
- (b) destroy or alter a record or other thing that has been demanded under clause 26.1 (4) (b) or that is subject of a warrant under section 158 or 158.1 of the *Provincial Offences Act*; or
- (c) fail to do anything required under subsections 26.1 (6) or (8) or subsection 35.1 (7).

Production order

35.1 (1) On application without notice by a provincial offences officer, a justice may issue a production order to a person, other than a person under investigation for an offence, requiring the person to,

- (a) produce documents or copies of documents, certified by affidavit to be true copies, or produce data; or
- (b) prepare a document based on documents or data already in existence and produce it.

Contents of order

(2) A production order must stipulate when, where and how the documents or data are to be produced, and to whom they are to be produced.

Grounds

(3) A justice may make a production order if satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

Conditions

(4) A production order may contain any conditions the justice considers advisable.

Evidence

(5) A copy of a document or data produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document or data would have if it had been proved in the ordinary way.

No return of copies

(6) Copies of documents or data produced under this section are not required to be returned to the person who provided them.

Compliance required

(7) A person to whom a production order is directed shall comply with the order according to its terms.

Not compellable witness

35.2 An inspector or person who, at the request of an inspector, accompanies an inspector in doing anything authorized under this Act is not a compellable witness in a civil suit or any proceeding respecting any information or material furnished, obtained, made or received by them under this Act while acting within the scope of their employment.

Protection of information

35.3 In a prosecution for an offence under this Act or where documents or materials provided for under section 35.1 of this Act or sections 158 to 160 of the *Provincial Offences Act* are filed with a court in relation to an inspection or an investigation into an offence under this Act, the court may, at any time, take precautions to avoid the disclosure by the court or any person of any personal information about an individual, including, where appropriate,

- (a) removing the identifying information of any person whose personal information is referred to in any documents or materials;
- (b) receiving representations without notice;
- (c) conducting hearings or parts of hearings in private; or
- (d) sealing all or part of the court files.

Certain documents

35.4 (1) In any proceeding under this Act, the *Health Insurance Act* or the *Commitment to the Future of Medicare Act, 2004*, a document purporting to be an extract of data or information from any database maintained and used by the Ministry in the ordinary course of business to record and track information about claims made under this Act or the *Health Insurance Act* and payments made under this Act or that Act that appears to be certified as a true extract by the Director or by the General Manager under the *Health Insurance Act* is admissible as evidence of the information contained in the extract and of the facts appearing in it without further proof.

Prosecutions

(2) Subsection (1) does not apply in respect of a prosecution.

Filing with court

35.5 (1) A copy of any of the following may be filed with the Superior Court of Justice after the time in which an appeal may be made has passed, and once filed shall be entered in the same way as a judgment or order of the Superior Court of Justice and is enforceable as an order of that court:

- 1. A decision of the Board made under this Act.
- 2. An agreement to reimburse the Minister or the Plan signed by a licensee or potential licensee.
- 3. A decision of the Minister under section 24.3 or 24.4.

Personal property charge

(2) Anything that may be filed under subsection (1) may also be entered as a lien and charge with the registrar under the *Personal Property Security Act*.

Set-off

(3) For greater certainty, nothing under this section affects any right of set-off that the Minister possesses under this Act.

Publication

35.6 (1) Subject to the regulations, if any, the Minister is authorized to publish information, including personal information other than personal health information, that relates to any payments under this Act to a licensee or potential licensee.

Same, Director

(2) The Director is authorized to publish any information that relates to compliance with licensing and generally accepted quality and standards under this Act and regulations, including personal information other than personal health information, that may be provided for in the regulations.

21 Section 37.1 of the Act is amended by adding the following subsection:

Disclosure to health college

(3.1) Where the Director or the Minister is of the opinion that it is advisable to do so, the Director or Minister shall disclose personal information to a College within the meaning of the *Regulated Health Professions Act, 1991* for the purpose of the administration of that Act or an Act named in Schedule 1 to that Act.

22 Section 37.2 of the Act is amended by adding the following subsections:

Form and time

(4) The information referred to in subsection (1) shall be provided in the form, and within the time, specified by the Director.

Rules re providing records and information

(5) Where the Director requires a licensee or other person to provide information under subsection (1), the following rules apply:

1. The licensee or other person shall submit copies of the requested information and, where required by the Director, shall include a signed certificate of authenticity and a signed copy of an audit trail for electronic records.
2. If the Director is not satisfied with the copies of the requested information, the Director may require the licensee or other person to produce the original documents to the Director, and the documents shall be returned to the licensee or other person in a timely manner after copies have been made.
3. Where a licensee or other person fails to produce the copies or originals of information required under this section, the Director may, on notice to the licensee or other person, apply to a justice or a provincial judge for an order compelling production of the required information and the justice or provincial judge may issue the order if they are satisfied that there are reasonable grounds for believing that the licensee or other person failed to produce the information.

Certificate of authenticity

(6) A certificate of authenticity required under this section shall be in a form acceptable to the Director unless otherwise prescribed.

23 Section 38.1 of the Act is repealed and the following substituted:

No compensation

38.1 No compensation shall be payable by the Crown, the Minister, the Director or any other person engaged in the administration of this Act in respect of any loss suffered as a result of,

- (a) the Director refusing to issue or renew a licence, revoking or suspending a licence, imposing conditions or limitations on a licence, amending conditions or limitations on a licence, or refusing to consent to the transfer of a licence;
- (b) the Director approving or refusing to approve the relocation of an independent health facility;
- (c) a compliance order issued under section 40.1; or
- (d) enforcement of the prohibitions under section 3.

24 (1) Subsection 39 (1.1) of the Act is repealed and the following substituted:

Same

(1.1) Every individual is guilty of an offence who fails to comply with,

- (a) a request for information under section 37.2; or
- (b) a compliance order.

(2) Subsections 39 (4) and (5) of the Act are repealed and the following substituted:

Penalty, individual

(4) Every individual who is convicted of an offence under this section is liable, for each day or part of a day on which the offence occurs or continues,

- (a) for a first offence, to a fine of not more than \$50,000 or, subject to subsection (5.1), to imprisonment for a term of not more than 12 months, or to both;

- (b) for a subsequent offence, to a fine of not more than \$100,000 or, subject to subsection (5.1), to imprisonment for a term of not more than 12 months, or to both.

Same, corporation

(5) Every corporation that is convicted of an offence under this section is liable, for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$500,000 for a subsequent offence.

No imprisonment

(5.1) Despite anything else in this Act, an individual convicted of an offence under clause (1.1) (b) is not liable to imprisonment, or to a warrant of committal under subsection 69 (14) of the *Provincial Offences Act*, as a result of the conviction or as a result of default in payment of the fine resulting from the conviction.

Due diligence, mistake not a defence

(5.2) It is not a defence to a charge under clause (1.1) (b) that the person took all reasonable steps to prevent any failure to comply with this Act or, at the time of the failure, the person had an honest and reasonable belief in a set of facts that, if true, would have resulted in there not being any non-compliance.

Presiding judge

(5.3) The Crown may, by notice to the clerk of the Ontario Court of Justice, require that a provincial judge preside over a proceeding in respect of an offence under this section.

25 The Act is amended by adding the following sections:

Compliance orders

40.1 (1) The Director or a prescribed person may order a licensee or a potential licensee to,

- (a) do anything, or refrain from doing anything, to achieve compliance with a requirement under this Act; or
- (b) prepare, submit and implement a plan for achieving compliance with a requirement under this Act.

Grounds

(2) A compliance order under subsection (1) may be made if, in the opinion of the Director or prescribed person, after considering any factors provided for in this Act or the regulations, the licensee or potential licensee has not complied with a requirement under this Act or, if in the opinion of the Director or prescribed person, it is necessary or advisable to protect the health or safety of any person.

Time of validity

(3) A compliance order issued under this section is valid until the date set out in the order or until the conditions specified in the order have been met, whichever is earlier.

Due diligence, mistakes do not prevent action

40.2 The authority to take an action under subsection 18 (1), or to issue an order under section 40.1, may be exercised with respect to a licensee or potential licensee who has not complied with a requirement under this Act whether or not,

- (a) the licensee or potential licensee took all reasonable steps to prevent the non-compliance; or
- (b) at the time of the non-compliance, the licensee or potential licensee had an honest and reasonable belief in a set of facts that, if true, would have resulted in there not being any non-compliance.

Consideration of past conduct

40.3 Where the Minister or Director makes a decision under this Act, they may consider any person's current or past failures to comply with a requirement under this Act or under any other Act that they may consider relevant.

26 Subsection 42 of the Act is repealed and the following substituted:

Regulations

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

- 1. providing for and governing anything that this Act refers to as being prescribed or provided for in the regulations, or as being required to be done in accordance with the regulations or as being subject to the regulations;
- 2. defining or clarifying the meaning of any word or expression used in this Act that is not otherwise defined in this Act;
- 3. providing for exemptions from this Act or any provision of this Act, subject to any conditions that may be set out in the regulation;
- 4. governing the process for submitting applications;

5. extending the time for applying for a licence under section 7 or for an amendment to the limitations on a licence under section 8;
6. providing that a health facility operated under subsection 7 (6) or providing services under subsection 8 (5) is subject to a regulation, or a provision in a regulation, made under this section;
7. governing the relocation of independent health facilities under section 10, providing for the terms and conditions of the relocation and respecting the time at which the application must be made;
8. governing any application that may be made or submitted under this Act;
9. respecting forms and their use;
10. governing fees for things done under or in accordance with this Act, and requiring their payment;
11. classifying health facilities or independent health facilities;
12. governing the care, treatment and services provided in independent health facilities or any class of them, including governing safety, quality management programs, and quality and standards;
13. governing the requirements for staff and employees of independent health facilities or any class of them;
14. governing the construction, establishment, location, equipment, maintenance and repair of, additions and alterations to, and operations of independent health facilities or any class of them;
15. governing the books, records and accounts to be kept by licensees including their form and content and the place or places where they are to be kept;
16. requiring the accounts of independent health facilities to be audited and requiring the licensees to furnish information or accounts required by the Director;
17. governing the records to be kept by licensees with respect to the care and treatment of patients of the independent health facility;
18. governing reports and returns to be made to the Director by licensees;
19. requiring and governing a system or systems to be used by licensees to monitor the results of the services provided in independent health facilities or any class of them;
20. governing access to patient or drug records and specifying persons who may have access to such records;
21. prescribing the amounts that the Minister shall pay under subsection 24 (1) or the method of determining the amounts, and prescribing conditions for the payment of such amounts;
22. governing payments made by the Minister under subsection 24 (2) and setting conditions for payment;
23. governing claims made for the purposes of payment by the Minister under subsection 24 (1) or (2), including requiring claims to be made in the prescribed manner and at the prescribed time and prescribing conditions for the making of claims;
24. providing for additional powers, functions and duties of a governing, registering or licensing body of a profession conducting assessments under subsection 27 (3) and providing for other duties of assessors and inspectors;
25. requiring licensees, potential licensees and applicants for a licence to pay fees established by a governing, registering or licensing body of a profession conducting assessments under subsection 27 (3) and governing the circumstances in which the licensees and other persons are required to pay;
26. classifying services;
27. prescribing services, classes of services and operating costs that are part of the insured service;
28. prescribing services, classes of services and operating costs that are not part of an insured service and that do not support, assist and are not a necessary adjunct, or any of them, to an insured service;
29. prescribing any services, any classes of services and any operating costs that are not part of an insured service and that support, assist and are a necessary adjunct, or any of them, to the insured service, and prescribing the maximum amount a person may charge for services or operating costs;
30. prescribing conditions and limitations that attach to licences of independent health facilities or any class or classes of them;
31. governing and restricting the disposition and transfer of the assets of independent health facilities;
32. governing compliance orders, including factors that must be considered before issuing a compliance order and actions to be taken in connection with the issuance of a compliance order;

33. generally for carrying out what the Lieutenant Governor in Council considers to be the purposes, provisions and intent of this Act.

Scope of regulations

- (2) A regulation may be general or particular in its application, and may be made applicable to different classes of persons, licensees, health facilities or classes of services.

Nil amount

- (3) An amount or fee prescribed or provided for under subsection (1) may be a nil amount.

Rolling incorporation by reference

- (4) If a regulation adopts by reference any code, standard, guideline or similar document, the regulation may require compliance with the code, standard or guideline, as amended from time to time, whether the amendment was made before or after the regulation was made.

Retroactive effect

- (5) A regulation made under this Act is, if it so provides, effective with reference to a period before the day it is filed.

Commencement

27 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

(2) Subsections 8 (2), 9 (2) and 15 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 20
INTERIM APPROPRIATION FOR 2020-2021 ACT, 2019

Interpretation

1 Expressions used in this Act have the same meaning as in the *Financial Administration Act* unless the context requires otherwise.

Expenses of the public service

2 Pending the voting of supply for the fiscal year ending on March 31, 2021, amounts not exceeding a total of \$140,161,500,300 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

Investments of the public service

3 Pending the voting of supply for the fiscal year ending on March 31, 2021, amounts not exceeding a total of \$4,555,608,600 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

Expenses of the Legislative Offices

4 Pending the voting of supply for the fiscal year ending on March 31, 2021, amounts not exceeding a total of \$286,594,600 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for.

Charge to proper appropriation

5 All expenditures made or recognized under this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2021.

Commencement

6 The Act set out in this Schedule comes into force on April 1, 2020.

Short title

7 The short title of the Act set out in this Schedule is the *Interim Appropriation for 2020-2021 Act, 2019*.

SCHEDULE 21
LIQUOR CONTROL BOARD OF ONTARIO ACT, 2019

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INTERPRETATION

Definitions

1 In this Act,

“LCBO” means the Liquor Control Board of Ontario continued under section 2; (“Régie des alcools”)

“liquor” has the same meaning as in the *Liquor Licence and Control Act, 2019*; (“alcool”)

“Minister” means the Minister responsible for the administration of this Act; (“ministre”)

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

CONTINUATION, OBJECTS, POWERS

LCBO continued

2 (1) The Liquor Control Board of Ontario is continued as a corporation without share capital that is composed of the members of its board of directors.

Crown agent

(2) The LCBO is an agent of the Crown in right of Ontario.

Same

(3) The regulations may specify provisions of the *Business Corporations Act* that apply to the LCBO, with or without any modifications prescribed by the regulations.

Same

(4) The *Corporations Act* and *Corporations Information Act* do not apply to the LCBO.

Objects

3 The LCBO has the following objects:

1. To establish retail stores in Ontario for the sale of liquor to the public, including online stores and stores operated by its agents.
2. To buy and sell liquor, both as a wholesaler and as a retailer.
3. To import liquor and control the importation of liquor.
4. To promote social responsibility in connection with liquor.
5. To perform such other functions as may be assigned to the LCBO by this Act or any other Act.
6. To engage in any other activities that are prescribed by the regulations.
7. To engage in any other activity that is incidental to carrying out its other objects.

General powers

4 (1) Except as limited by this Act, the LCBO has the capacity, rights and powers of a natural person for the purposes of carrying out its objects.

Subsidiaries

(2) The LCBO shall not create or acquire a subsidiary.

Importation of liquor

5 (1) Subject to any limitations prescribed by the regulations, the LCBO may, by resolution of its board of directors, make rules respecting liquor brought into Ontario from outside of Canada that is to be consigned to the LCBO pursuant to subsection 3 (1) of the *Importation of Intoxicating Liquors Act* (Canada) or any other applicable law.

Agreement with Canada

(2) The LCBO may enter into an agreement with the Government of Canada respecting any matter relating to liquor brought into Ontario from outside of Canada that is to be consigned to the LCBO.

Same

(3) Without limiting the generality of subsection (2), the agreement may provide for the appointment of officers, as defined in subsection 2 (1) of the *Customs Act* (Canada), employed at customs offices located in Ontario as agents of the LCBO for the purposes of,

- (a) accepting liquor to be consigned to the LCBO;
- (b) selling and releasing liquor back to persons bringing the liquor into Ontario on payment of any mark-up imposed by the LCBO; and
- (c) releasing to the LCBO liquor on which any mark-up imposed by the LCBO is not paid by the person bringing the liquor into Ontario.

BOARD OF DIRECTORS, CHIEF EXECUTIVE OFFICER, EMPLOYEES

Board of Directors

6 (1) The board of directors of the LCBO consists of not more than 11 members appointed by the Lieutenant Governor in Council.

Remuneration

(2) Members are entitled to be paid remuneration and reimbursement for reasonable expenses as determined by the Lieutenant Governor in Council.

Chair and Vice Chair

(3) The Lieutenant Governor in Council shall designate a member as the chair of the board and may designate another member as the vice-chair.

Acting Chair

(4) If the chair is absent or unable to act, or if the office of the chair is vacant, the vice-chair shall act as chair.

Same

(5) If the chair and vice-chair are absent, the members present shall appoint an acting chair from among themselves.

Quorum

(6) A majority of the members constitutes a quorum of the board of directors.

Powers and Duties of the Board of Directors

7 (1) The board of directors shall manage and supervise the activities and affairs of the LCBO.

By-Laws

(2) The board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the LCBO.

Delegation

(3) The board may delegate to a committee of the board or to an officer or employee of the LCBO any of the board of director's powers other than the power to,

- (a) make, amend or repeal by-laws of the LCBO;
- (b) approve the LCBO's budget, including the budget for capital expenditures and staffing;
- (c) approve the LCBO's business plan, annual reports and financial statements;
- (d) appoint or remove the chief executive officer and set his or her remuneration;
- (e) establish committees of the board of directors and fill vacancies on those committees; or
- (f) do any other thing that may be prescribed by the regulations.

Conditions

(4) A delegation made under subsection (3) is subject to any conditions set out in the delegation.

Further Delegation

(5) Any power delegated under subsection (3) may be further delegated to an officer, employee or agent of the LCBO on such terms as may be specified by the board of directors.

Chief Executive Officer

8 (1) Subject to the approval of the Minister, the board of directors shall appoint a chief executive officer of the LCBO.

Responsibilities

(2) The chief executive officer is responsible for the operations of the LCBO, subject to the supervision and direction of the board of directors, and for such other functions as may be assigned by the board of directors.

Board Meetings

(3) The chief executive officer is entitled to attend and participate at any board meeting but cannot vote.

Exception

(4) Despite subsection (3), the board of directors may exclude the chief executive officer from attending any meeting if a matter to be discussed at the meeting involves the position, performance or functions and duties of the chief executive officer.

Minister's directives

9 (1) The Minister may issue directives in writing to the LCBO in respect of its operations.

Implementation

(2) The board of directors of the LCBO shall ensure that the directives are implemented promptly and efficiently.

Directive not a regulation

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a directive.

Employees

10 (1) The LCBO may appoint such officers and employees and retain such assistance as it considers necessary.

Same

(2) The LCBO may establish job categories, salary ranges and conditions of employment for its officers and employees, subject to the approval of,

- (a) the Lieutenant Governor in Council, in the case of officers and employees who are members of a bargaining unit; or
- (b) the Minister, in the case of officers and employees who are not members of a bargaining unit.

Definition

(3) In this section,

“bargaining unit” has the same meaning as in the *Labour Relations Act, 1995*.

FINANCIAL MATTERS

Consolidated Revenue Fund

11 (1) Despite Part I of the *Financial Administration Act*, the revenue and assets of the LCBO do not form part of the Consolidated Revenue Fund.

Payments into the Consolidated Revenue Fund

(2) The net profits of the LCBO shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Expenses, expenditures and borrowing

12 (1) The LCBO may borrow money with the approval, in writing, of the Minister and, if the Minister is not the Minister of Finance, the Minister of Finance.

Same

(2) An approval under subsection (1) may be subject to such conditions as any minister granting the approval considers advisable.

Major Capital Expenditures

(3) If the LCBO proposes to undertake a major capital expenditure, it shall borrow the necessary funds in accordance with subsection (1).

Same

(4) An expenditure is a major capital expenditure for the purposes of this section in either of the following circumstances:

1. The major capital expenditure satisfies the criteria prescribed by the regulations.
2. The Minister notifies the LCBO in writing that the expenditure is a major capital expenditure.

Fiscal year

13 (1) The fiscal year of the LCBO begins on April 1 in a year and ends on March 31 in the following year.

Audit

(2) The accounts and financial transactions of the LCBO shall be audited each year by the Auditor General.

Financial Reports

(3) The LCBO shall give the Minister of Finance, at the times required by the Minister of Finance, reports setting out the LCBO's net profit, net profit forecasts and such additional information as the Minister of Finance may require.

Same

(4) If the Minister is not the Minister of Finance, the LCBO shall also give copies of any reports referred to in subsection (3) to the Minister.

ANNUAL AND OTHER REPORTS

Annual Report

14 (1) The LCBO shall prepare an annual report, provide it to the Minister and make it available to the public.

Same

(2) The LCBO shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

Same

(3) The LCBO shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

(4) The Minister shall table the LCBO's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

Other Reports

15 The LCBO shall promptly give the Minister such other reports and information as the Minister may require.

MISCELLANEOUS AND REGULATIONS

Pension Plan

16 The LCBO is deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as a corporation whose permanent and full-time probationary staff are required to be members of the Public Service Pension Plan.

Immunity of employees and others

17 (1) No cause of action arises against,

- (a) a director, officer or employee of the LCBO as a result of any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties; or
- (b) the Crown, a minister of the Crown, or an employee of the Crown as a result of any act or omission of a person who is not a minister of the Crown or a Crown employee, if the act or omission is related, directly or indirectly, to the LCBO's affairs or to the administration of this Act.

No proceeding

(2) No proceeding shall be instituted against,

- (a) a director, officer or employee of the LCBO by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (a); or
- (b) the Crown, a minister of the Crown or an employee of the Crown by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (b);

Liability of LCBO preserved

(3) Subsections (1) and (2) do not relieve the LCBO of any liability to which it would otherwise be subject.

Regulations

18 (1) The Lieutenant Governor in Council may make regulations prescribing anything that is required or permitted under this Act to be prescribed or to be done by or in accordance with the regulations.

Minister's regulations re transitional matters

(2) The Minister may make regulations governing such transitional matters as the Minister considers necessary or advisable to,

- (a) facilitate the implementation of this Act;
- (b) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of any Act by this Act.

AMENDMENTS TO THIS AND OTHER ACTS

Amendment to this Act

19 Subsection 2 (4) of this Act is amended by striking out "*Corporations Act*" and substituting "*Not-for-Profit Corporations Act, 2010*".

Liquor Control Act

20 (1) The short title of the *Liquor Control Act* is repealed and the following substituted:

Liquor Sales Agreements Act

(2) Sections 1 to 8 of the Act are repealed.

(3) Section 9 of the Act is amended by adding the following definition:

"Board" means the Liquor Control Board of Ontario continued under section 2 of the *Liquor Control Board of Ontario Act, 2019*; ("Régie")

Ontario Cannabis Retail Corporation Act, 2017

21 The definition of "LCBO" in section 1 of the *Ontario Cannabis Retail Corporation Act, 2017* is amended by striking out "*Liquor Control Act*" and substituting "*Liquor Control Board of Ontario Act, 2019*".

Taxation Act, 2007

22 Subparagraph 3 v of subsection 104.15 (1) of the *Taxation Act, 2007* is repealed and the following substituted:

- v. an agent of the LCBO operating a retail store pursuant to paragraph 1 of section 3 of the *Liquor Control Board of Ontario Act, 2019*,

COMMENCEMENT AND SHORT TITLE

Commencement

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

(2) Section 19 comes into force on the later of the day subsection 2 (4) of this Schedule comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

Short title

24 The short title of the Act set out in this Schedule is the *Liquor Control Board of Ontario Act, 2019*.

SCHEDULE 22
LIQUOR LICENCE AND CONTROL ACT, 2019

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PART I INTERPRETATION

Interpretation

1 (1) In this Act,

- “alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol; (“alcool”)
- “beer” means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water; (“bière”)
- “Board” means the board of the Alcohol and Gaming Commission of Ontario continued under subsection 2 (1) of the *Alcohol and Gaming Commission of Ontario Act, 2019*; (“conseil”)
- “conservation officer” means a conservation officer appointed under subsection 87 (1) of the *Fish and Wildlife Conservation Act, 1997* who is engaged in carrying out his or her duties; (“agent de protection de la nature”)
- “ferment on premises facility” means premises where equipment for the making of beer or wine on the premises is provided to individuals; (“centre de fermentation libre-service”)
- “inspector” means an inspector designated under section 54; (“inspecteur”)
- “investigator” means an investigator appointed under section 56; (“enquêteur”)
- “LCBO” means the Liquor Control Board of Ontario continued under subsection 2 (1) of the *Liquor Control Board of Ontario Act, 2019*; (“Régie des alcools”)
- “licence” means a licence issued under this Act; (“permis”)
- “liquor” means spirits, wine and beer or any combination of them and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter; (“boisson alcoolisée”)
- “manufacturer” means a person who produces liquor for sale; (“fabricant”)
- “Minister” means the minister responsible for the administration of this Act; (“ministre”)
- “municipality” means a local municipality; (“municipalité”)
- “Ontario wine” means wine produced from agricultural products grown in Ontario, and may include agricultural products grown outside of Ontario in the prescribed amounts; (“vin de l’Ontario”)
- “permit” means a permit issued under this Act; (“permis de circonstance”)
- “prescribed” means prescribed by the regulations; (“prescrit”)
- “Registrar” means the Registrar as defined in subsection 1 (1) of the *Alcohol and Gaming Commission of Ontario Act, 2019*; (“registrateur”)
- “regulations” means the regulations made under this Act; (“règlements”)

“residence” means a place used as a dwelling, including all premises used in conjunction with the place to which the general public is not invited or permitted access, and, if the place used as a dwelling is a tent, includes the land immediately adjacent to and used in conjunction with the tent; (“habitation”)

“retail store” means a store established by the LCBO or licensed under paragraph 2 of subsection 3 (1) for the sale of liquor to the public; (“magasin de vente au détail”)

“sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others; (“vendre”)

“spirits” means any beverage containing alcohol obtained by distillation; (“spiritueux”)

“supply” includes a licensee’s permitting the consumption on licensed premises of wine that a patron has brought onto the premises, in accordance with the regulations, for the patron’s consumption, alone or in the company of others; (“fournir”)

“Tribunal” means the Licence Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999*; (“Tribunal”)

“wine” means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, including honey and milk. (“vin”)

Interested person

(2) For the purposes of this Act, a person is deemed to be interested in another person if,

- (a) the first person has, or may have in the opinion of the Registrar based on reasonable grounds, a beneficial interest of any kind, either directly or indirectly, in the other person’s business, including but not limited to holding, directly or indirectly, shares or other securities;
- (b) the first person exercises, or may exercise in the opinion of the Registrar based on reasonable grounds, direct or indirect control over the other person’s business; or
- (c) the first person has provided, or may have provided in the opinion of the Registrar based on reasonable grounds, direct or indirect financing to the other person’s business.

PART II LICENCES AND PERMITS

LICENCE OR PERMIT REQUIRED

Licence or permit required

2 (1) Except under the authority of a licence or permit, no person shall,

- (a) keep for sale, offer for sale or sell liquor;
- (b) permit individuals to possess or consume open liquor in a public place that has not been designated by a municipality under clause 41 (1) (d);
- (c) serve or offer to serve liquor in a public place;
- (d) take or solicit orders for the sale of liquor;
- (e) deliver liquor for a fee; or
- (f) operate a ferment on premises facility.

Exception

(2) Subsection (1) does not apply to the LCBO or anything done under the authority of the LCBO.

Representing manufacturers

(3) No person shall directly or indirectly act as or purport to be an agent or representative of a manufacturer in respect of the sale of liquor or take or solicit an order for the sale of liquor by a manufacturer unless the person is the holder of a licence to represent the manufacturer.

LICENCES

Application for a licence

3 (1) A person may apply to the Registrar for the following categories of liquor licence:

1. A licence to operate a liquor consumption premises.
2. A licence to operate a retail store.
3. A licence to operate as a wholesaler.

4. A licence to deliver.
5. A licence to operate a ferment on premises facility.
6. A licence to represent a manufacturer.
7. A manufacturer's licence, which is a licence for a manufacturer of spirits, beer or Ontario wine to sell the spirits, beer or Ontario wine to the LCBO.

Endorsements

(2) A licensee may request a prescribed endorsement on their licence, authorizing the licensee to take actions that are prohibited by subsection 2 (1) and not otherwise authorized by the licence.

Granting of endorsements

(3) The Registrar may grant a prescribed endorsement in accordance with the regulations and subject to any prescribed conditions.

Ineligibility

- (4) An applicant is not eligible for a licence if,
- (a) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant's business;
 - (b) the past or present conduct of the persons described in subsection (5) affords reasonable grounds for belief that the applicant will not carry on business in accordance with the law and with integrity and honesty;
 - (c) the applicant or an employee or agent of the applicant makes a false statement or provides false information in an application under this Act;
 - (d) the applicant is carrying on activities that are, or if the applicant were licensed would be, in contravention of this Act or the regulations;
 - (e) the applicant is carrying on activities that are, or if the applicant were licensed would be, in contravention of a by-law of the City of Toronto passed under subsection 79 (1); or
 - (f) the premises, accommodation, equipment and facilities in respect of which the licence would be issued are not, or if the licence were issued would not be, in compliance with this Act, the regulations or the standards and requirements established by the Registrar under section 24, or, in the opinion of the Registrar, the applicant does not, or if the licence were issued would not, exercise sufficient control, either directly or indirectly, over the premises, accommodation, equipment or facilities.

Same

(5) Clause (4) (b) applies to the following persons:

1. The applicant.
2. An officer or director of the applicant.
3. A person who is interested in the applicant, as described in subsection 1 (2).
4. A person having responsibility for the management or operation of the business of the applicant.

Prohibition, public interest

(6) The Registrar shall not issue a licence to operate a liquor consumption premises or a licence of another prescribed category or prescribed class within a category if issuing the licence is not in the public interest, having regard to the needs and wishes of the residents of the municipality in which the premises to be licensed are located.

Applying for licence after refusal or revocation

(7) No person who is refused a licence to operate a liquor consumption premises or to operate a retail store or who is refused a renewal of such a licence or whose licence is revoked for any ground described in subsection (4) may apply to the Registrar for a licence to operate a liquor consumption premises or to operate a retail store until two years have passed since the refusal or revocation.

Inquiries into applicant, etc.

4 (1) The Registrar may make inquiries and conduct investigations into the character, financial history and competence of the following persons as is necessary to determine whether the applicant for any licence or renewal of a licence meets the requirements of this Act, the regulations and the standards and requirements established by the Registrar under section 24:

1. The applicant or licensee.
2. Persons interested in the applicant or licensee.

3. Persons interested in the premises in respect of which the licence is or will be issued.
4. A director, officer or shareholder of any such person.

Corporations or partnerships

- (2) If the applicant or licensee is a corporation or partnership, the Registrar may make inquiries into or conduct investigations of,
- (a) the applicant or licensee or persons interested in the applicant or licensee;
 - (b) the directors, officers, shareholders or partners of the applicant or licensee; and
 - (c) the owner, or persons interested in the owner, of the premises in respect of which the licence is or would be issued.

Costs

- (3) The applicant or licensee shall pay all reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to the Registrar for the payment.

Collection of information

- (4) The Registrar may,
- (a) require information or material from any person who is the subject of the inquiries or investigations; and
 - (b) request information or material from any person who, in the Registrar's opinion, may be able to provide information or material relevant to the inquiries or investigations.

Verification of information

- (5) The Registrar may require that any information provided under clause (4) (a) be verified by statutory declaration.

Disclosure

- (6) Despite section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*, the head of an institution within the meaning of those Acts shall disclose to the Registrar the information or material that the Registrar requests under clause (4) (b).

Registrar response, general

5 In the case of an application for a licence other than a manufacturer's licence, a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6), the Registrar shall consider the application and may,

- (a) approve the application; or
- (b) issue a proposal to refuse to issue the licence.

Registrar's response, manufacturer's licence

- 6** (1) In the case of an application for a manufacturer's licence, the Registrar shall consider the application and may,
- (a) approve the application; or
 - (b) refuse to issue the licence.

Decision final

- (2) For greater certainty, the Registrar's refusal to issue the manufacturer's licence is final.

Registrar's response, licence to operate liquor consumption premises or prescribed category or class of licence

Public notice

7 (1) Upon receiving an application for a licence to operate a liquor consumption premises or licence of a category or class prescribed for the purposes of subsection 3 (6), the Registrar shall consider the application and give notice of the application to the residents of the municipality in which the premises to be licensed are located by,

- (a) displaying a notice at the proposed location specified in the application; or
- (b) any other manner the Registrar considers appropriate.

Public notice not required

- (2) Despite subsection (1), the Registrar is not required to give notice if,
- (a) the Registrar determines that the issuance of the licence is in the public interest, having regard to the applicant, the location of the premises to be licensed and the needs and wishes of the residents of the municipality in which the premises are located;

- (b) the Registrar determines that the applicant is not eligible for the licence under subsection 3 (4); or
- (c) a prescribed circumstance exists.

Registrar's response, notice not required

- (3) If the Registrar does not give notice of an application in accordance with subsection (2), the Registrar may,
- (a) approve the application if the applicant is not ineligible for the licence under subsection 3 (4); or
 - (b) issue a proposal to refuse to issue the licence.

Request for objections

(4) If the Registrar gives notice under subsection (1), the Registrar shall include in the notice a request for written objections from the residents of the municipality as to whether the issuance of the licence is in the public interest having regard to the needs and wishes of the residents.

Timelines for objections

(5) The written objections shall be made in the prescribed manner and within the prescribed time.

No objections

(6) The Registrar may issue the licence if the Registrar has received no written objections to the application from the residents of the municipality within the time for making written objections.

Objections

(7) If the Registrar receives one or more written objections to the application from the residents of the municipality within the time for making written objections, the Registrar shall consider the objections and may,

- (a) call a public meeting;
- (b) issue a proposal to review whether issuing the licence is in the public interest;
- (c) issue a proposal to refuse to issue the licence; or
- (d) approve the application if the Registrar is of the opinion that the objections are frivolous or vexatious or the applicant is not otherwise ineligible for a licence under subsections 3 (4) and (6).

Public meeting

(8) If the Registrar calls a public meeting under clause (7) (a), the Registrar shall give notice in the prescribed manner of a time and place for the meeting and shall conduct the meeting.

Representations by residents

(9) The Registrar shall receive representations from the residents of the municipality in which the premises to be licensed are located as to whether the issuance of the licence is in the public interest, having regard to the needs and wishes of the residents.

Registrar to consider

(10) The Registrar shall consider the representations of the residents in determining whether to approve the application.

Registrar's response

- (11) After the meeting has been held, the Registrar shall consider the application and may,
- (a) approve the application if the applicant is not ineligible under subsection 3 (4) or (6);
 - (b) issue a proposal to review whether issuing the licence is in the public interest; or
 - (c) issue a proposal to refuse to issue the licence.

Limit on further applications

(12) If the Tribunal directs the Registrar to refuse to issue the licence for the reason described in subsection 3 (6), the Registrar may propose, upon notice to the owner of the property at which the premises is located, that no person may apply for a licence in respect of the same premises within the period of time after the date of the refusal to issue the licence that the Registrar specifies, up to a maximum of two years, if, in the Registrar's opinion, it is necessary to do so in the public interest.

Exception

(13) If the Tribunal is satisfied that there has been a significant change in the circumstances in respect of the premises since the refusal to issue the licence, the Tribunal may permit an application for a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) within the period that the Registrar specified under subsection (12) of this section.

Issuance of licence

8 (1) The Registrar shall issue a licence to an applicant who applies for a licence under section 3 if,

- (a) the applicant complies with this Act, the regulations and the standards and requirements established by the Registrar under section 24, is not ineligible to be issued a licence and pays the required fee; and
- (b) the Registrar approves the application or the Tribunal directs the Registrar to issue the licence.

Limit on further applications

(2) If, for the reason described in subsection 3 (6), the Registrar refuses to issue a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6), no further application may be made for such a licence for the same premises within two years after the date of the refusal.

Exception

(3) If the Registrar is satisfied that there has been a significant change in the circumstances that pertained at the time the application was refused, the Registrar may permit a reapplication within the two-year period mentioned in subsection (2).

Risk based licensing

9 (1) The Board may establish criteria for licensees and licensed premises, based on factors related to risks to the public interest or the risk that the licensee will not comply with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Potential conditions

(2) If it has established criteria under subsection (1), the Board may specify conditions that the Registrar may impose under subsection (3) on a licensee's licence and on a licensed premises.

Designations

(3) Based on the Registrar's assessment of risk, the Registrar may designate a licensee and a licensed premises in accordance with the criteria established by the Board and may impose on the licensee's licence one or more conditions from among those specified by the Board.

Redesignations

(4) The Registrar may,

- (a) redesignate a licensee or a premises if there is a change in circumstances that satisfies the Registrar that the licensee or the premises should be redesignated; and
- (b) on redesignation, add, remove or otherwise change the conditions imposed on the licence and premises.

Conditions of licence

10 (1) A licence is subject to the conditions,

- (a) that the Registrar attaches with the applicant's consent;
- (b) that the Registrar attaches under subsection (2);
- (c) that the Registrar imposes under subsection 9 (3) or (4);
- (d) that the Tribunal imposes; or
- (e) that are prescribed.

Further conditions

(2) The Registrar may, at any time, review a licence and may,

- (a) attach any further conditions to which the licensee consents; or
- (b) issue a proposal to attach any further conditions that the Registrar considers proper to give effect to the purposes of this Act.

Removal of conditions

11 (1) On the application of a licensee, the Registrar may remove a condition of the licence that the Registrar has attached or imposed on the licence, if there is a change in circumstances that satisfies the Registrar that the condition is no longer appropriate.

Registrar's response

(2) If the Registrar decides not to remove a condition, other than a condition imposed under subsection 9 (3) or (4), the Registrar shall issue a proposal to refuse to remove the condition.

Same, Tribunal decision

(3) If the Tribunal, on considering a proposal mentioned in subsection (2), is satisfied that there is a change in circumstances justifying the removal of the condition, it may remove the condition; if it decides not to remove the condition, it shall direct that the condition not be removed.

Removal of conditions imposed by Tribunal

(4) The Tribunal may, on the application of a licensee, remove a condition that the Tribunal has imposed if the Tribunal is satisfied that there is a change in circumstances justifying the removal of the condition, and, if it decides not to remove the condition, it shall direct the Registrar to issue a proposal to refuse to remove the condition.

Continuance pending renewal

12 If, within the time prescribed or, if no time is prescribed, before the expiry of a licence, the licensee has applied for renewal of the licence and paid the required fee, the licence continues until,

- (a) the renewal is granted;
- (b) the time for giving notice requiring a hearing has expired, if the licensee receives a notice of proposal to refuse to grant the renewal and does not require such a hearing; or
- (c) the Tribunal's order has become final, if the licensee receives a notice of proposal to refuse to grant the renewal and does require such a hearing.

Revocation, suspension or refusal to renew licence

13 (1) The Registrar may issue a proposal to refuse to renew a licence or to suspend or revoke a licence if,

- (a) the licensee would not be eligible for a licence under subsection 3 (4) if the licensee were an applicant under section 3; or
- (b) the licensee has contravened this Act, the regulations, the standards and requirements established by the Registrar under section 24 or a condition of the licence.

Immediate suspension of licence

(2) If the Registrar issues a proposal to suspend or revoke a licence, the Registrar may by order suspend the licence before a hearing if the Registrar considers it to be necessary in the public interest.

Time effective

(3) An order to suspend a licence under subsection (2) takes effect immediately.

Expiry of order if hearing, extension

(4) If the licensee requires a hearing, an order to suspend a licence expires 15 days after the date of the notice requiring the hearing, unless the hearing is commenced before the order expires, in which case the Tribunal may extend the time of expiration until the hearing is concluded.

Voluntary cancellation

(5) The Registrar may cancel a licence if the licensee so requests in writing and surrenders the licence.

Changes requiring transfer of licence

14 Except as permitted by the regulations, if there is a prescribed change of ownership of a business carried on under a licence or if the licensee changes, no person shall carry on the business under the authority of the licence unless the Registrar transfers the licence in accordance with the regulations.

Transfers or consolidations of licence

Transfer

15 (1) If the regulations permit, a person may apply to the Registrar to transfer a prescribed licence to a different person or location in the prescribed circumstances and the Registrar may, in accordance with the regulations,

- (a) approve the application; or
- (b) issue a proposal to refuse to transfer the licence.

Consolidation

(2) The Registrar may consolidate licences to operate a liquor consumption premises in accordance with the regulations.

PERMITS

Special occasion permit

16 (1) A person may apply to the Registrar for a permit authorizing the sale, service or consumption of liquor on a prescribed special occasion.

Requirements

- (2) An applicant for a permit who pays the required fee is eligible for the permit except if,
- (a) the applicant would not be eligible for a licence to operate a liquor consumption premises for any ground described in subsection 3 (4); or
 - (b) the premises in respect of which the permit is issued are disqualified under section 18.

Response

- (3) The Registrar shall consider an application for a permit and may,
- (a) approve the application if the applicant is eligible under subsection (2); or
 - (b) issue a proposal to refuse to issue the permit.

Issuance of permit

(4) The Registrar shall issue a permit to an applicant if the Registrar approves the application or if the Tribunal directs the Registrar to issue the permit.

Refusal of permit

- 17** (1) The Registrar shall not grant a permit with respect to premises if,
- (a) the Registrar has refused to issue a licence to operate a liquor consumption premises on the premises for the reason described in subsection 3 (6) within the past two years or the Tribunal has directed the Registrar to do so within the past two years; or
 - (b) the Registrar has suspended or revoked a licence to operate a liquor consumption premises on the premises or the Tribunal has directed the Registrar to do so, and the suspension or revocation is still in effect.

Exception

(2) If the Tribunal is satisfied that there has been a significant change in the circumstances in respect of the premises since the licence was refused for the reason described in subsection 3 (6), the Tribunal may direct the Registrar to issue the permit, despite clause (1) (a).

Disqualification before hearing

18 (1) The Registrar may issue a proposal to disqualify premises for the purposes of issuing permits on the grounds that a contravention of the law has occurred at a previous event held on the premises.

Immediate disqualification

(2) If the Registrar issues a proposal to disqualify premises, the Registrar may by order disqualify the premises before a hearing if the Registrar considers it to be necessary in the public interest.

Time effective

(3) An order under subsection (2) to disqualify premises takes effect immediately.

Duration of order

(4) Subject to subsection (5), an order to disqualify premises shall remain in effect until at least two years have passed since the order and then until the Registrar is of the opinion that the order is no longer required.

Expiry of order if hearing, extension

(5) If an applicant for a permit requires a hearing, an order to disqualify premises expires 15 days after the date of the notice requiring the hearing unless the hearing is commenced before the order expires, in which case the Tribunal may extend the time of expiration until the hearing is concluded.

Risk based permitting

19 (1) The Board may establish criteria for permit holders and for the premises in respect of which a permit is issued, based on factors related to risks to the public interest or the risk that the permit holder will not comply with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Potential conditions

(2) If the Board has established criteria under subsection (1), the Board may specify conditions that the Registrar may impose under subsection (3) on a permit holder's permit and on the premises in respect of which the permit is issued.

Imposition of conditions

(3) Based on the Registrar's assessment of risk, the Registrar may, in accordance with the criteria established by the Board, impose on the permit one or more conditions from among those specified by the Board.

Conditions of permit

20 (1) A permit is subject to the conditions that,

- (a) the Registrar attaches with the applicant's consent;
- (b) the Registrar attaches under subsection (2);
- (c) the Registrar imposes under subsection 19 (3);
- (d) the Tribunal imposes; or
- (e) are prescribed.

Further conditions

(2) The Registrar may, at any time, review a permit and may,

- (a) attach any further conditions to which the permit holder consents; or
- (b) issue a proposal to attach any further conditions that the Registrar considers proper to give effect to the purposes of this Act.

Removal of conditions

21 (1) On the application of a permit holder, the Registrar may remove a condition of a permit that the Registrar has attached or imposed on the permit if there is a change in circumstances that satisfies the Registrar that the condition is no longer appropriate.

Registrar's response

(2) If the Registrar decides not to remove a condition, other than a condition imposed under subsection 19 (3), the Registrar shall issue a proposal to refuse to remove the condition.

Revocation of permit by Registrar

22 (1) The Registrar may issue a proposal to revoke a permit if,

- (a) the permit holder would not be eligible for a permit if the permit holder were an applicant under section 16; or
- (b) the permit holder has contravened this Act, the regulations, the standards and requirements established by the Registrar under section 24 or a condition of the permit.

Same

(2) If the Registrar issues a proposal to revoke a permit under subsection (1), the Registrar may by order revoke the permit before a hearing if the Registrar considers it to be necessary in the public interest.

Time effective

(3) An order to revoke a permit under subsection (2) takes effect immediately.

Revocation of permit by inspector or investigator

23 (1) An inspector or investigator who reasonably believes that this Act, the regulations or the standards and requirements established by the Registrar under section 24 are being contravened in connection with an event may, by giving a notice of revocation in accordance with subsection (2), revoke a permit issued for an event while the event is under way.

Notice of revocation

(2) The notice of revocation may be given orally or in writing to the permit holder or to a person the permit holder designated in accordance with the regulations to attend the event in the permit holder's place.

Time effective

(3) A notice of revocation under subsection (2) takes effect immediately.

STANDARDS AND REQUIREMENTS

Standards and requirements

24 (1) Subject to any prescribed limitations, the Registrar may establish standards and requirements respecting the following matters relating to the conduct of licensees or permit holders or to the operation of licensed or permitted premises:

1. Measures related to the responsible sale, wholesale, supply and delivery of liquor under a licence or permit and to the responsible consumption of liquor authorized under a licence or permit.
2. Measures related to licensed and permitted premises, accommodation, equipment and facilities.
3. Addressing unlawful activities in licensed or permitted premises.
4. Advertising and promotional activities.
5. Training relating to the responsible sale, wholesale, supply and delivery of liquor under a licence or permit and to the responsible consumption of liquor authorized under a licence or permit.
6. The keeping of records, including financial records.
7. Any other matter relating to the conduct of licensees and permit holders or to the operation of licensed or permitted premises that may be prescribed.

Conflict

(2) In the event of a conflict or inconsistency, the regulations prevail over the standards and requirements established under subsection (1) to the extent of the conflict or inconsistency.

Publication

(3) The Registrar shall publish the standards and requirements on the website of the Alcohol and Gaming Commission of Ontario or by any other method that may be prescribed.

Effective date

(4) Standards and requirements established under subsection (1) take effect on the date they are published under subsection (3) or on such later date as the Registrar may specify, and the effective date shall be published together with the standards and requirements.

Not regulations

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to standards and requirements established under subsection (1).

Duty to comply

(6) Every licensee and permit holder shall comply with the standards and requirements established under subsection (1).

PROPOSALS AND HEARINGS

Notice of proposal

25 (1) If the Registrar issues a proposal to do any of the following, the Registrar shall serve notice of the proposal, together with written reasons, on the applicant or licensee:

1. Review whether issuing a licence to operate a liquor consumption premises or other licence of a category or class prescribed for the purposes of subsection 3 (6) is in the public interest.
2. Refuse to issue, renew or transfer a licence.
3. Suspend or revoke a licence.
4. Attach a condition on a licence.
5. Review a condition of a licence.
6. Refuse to remove a condition of a licence.

Same, re permits

(2) If the Registrar issues a proposal to do any of the following, the Registrar shall serve notice of the proposal, together with written reasons, on the applicant or permit holder:

1. Refuse to issue a permit.
2. Revoke a permit.
3. Attach a condition on a permit.

4. Refuse to remove a condition of a permit.

Same, re premises

(3) If the Registrar issues a proposal to disqualify premises under section 18, the Registrar shall serve notice of the proposal, together with written reasons, on the owner of the premises.

Notice requiring hearing

(4) A notice of a proposal shall inform the applicant, licensee, permit holder or owner that the person is entitled to a hearing by the Tribunal if the person mails or delivers to the Tribunal and the Registrar, within 15 days after the notice is served on the person, a notice in writing requiring a hearing by the Tribunal.

Hearing

26 (1) A person who has received a notice of proposal from the Registrar under subsection 25 (4) is entitled to a hearing by the Tribunal as described in that subsection.

Notice of hearing

(2) If the person requires a hearing by the Tribunal, the Tribunal shall fix a time and place for the hearing and shall, at least 10 days before the day so fixed, cause notice of the hearing to be served upon the person.

Powers of Tribunal

(3) After a hearing to consider a proposal to review whether issuing a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) is in the public interest, the Tribunal may direct the Registrar to issue the licence or to refuse to issue the licence.

Same

(4) After a hearing to consider any other proposal described in subsection 25 (1), (2) or (3), the Tribunal may direct the Registrar not to carry out the proposal or to carry out the proposal, in whole or in part, and with any changes that the Tribunal considers appropriate, and the Tribunal may direct the Registrar to approve an application to which the proposal relates.

Conditions

(5) After a hearing, the Tribunal may impose any condition on a licence or permit that the Tribunal considers proper to give effect to the purposes of this Act.

No hearing

(6) If a person who has received a notice of proposal from the Registrar under subsection 25 (4) does not require a hearing by the Tribunal, the Registrar may,

- (a) in the case of a notice of a proposal to review whether issuing a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) is in the public interest, refuse to issue the licence; or
- (b) in any other case, carry out the proposal stated in the notice.

Reviewing decision

27 The Tribunal shall not review a decision to refuse to issue a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) if the decision is based on the reason described in subsection 3 (6).

PART III LIQUOR CONTROL

Application of federal legislation

28 Liquor is deemed to be an intoxicating liquor for the purposes of the *Importation of Intoxicating Liquors Act* (Canada).

Advertising

29 (1) No person shall advertise liquor except in accordance with the regulations, if any, or the standards and requirements established by the Registrar under section 24.

Order of cessation

(2) If the Registrar determines that an advertisement contravenes the regulations, if any, or the standards and requirements established by the Registrar under section 24, the Registrar may order the cessation of the use of the advertisement.

Notice of order

(3) The Registrar shall serve notice of an order under subsection (2), together with reasons for it, on the person to whom the order is directed.

Notice requiring hearing

(4) The notice of order shall inform the person to whom the order is directed that the person is entitled to a hearing by the Tribunal if, within 15 days after the notice is served on the person, the person mails or delivers to the Tribunal and the Registrar a notice in writing requiring a hearing by the Tribunal; if the person does so, the person has that right to a hearing.

Time effective

(5) Unless otherwise provided in the order, an order under subsection (2) takes effect immediately.

Expiry of order if hearing, extension

(6) If a person requires a hearing under subsection (4), an order under subsection (2) expires 15 days after the date of the notice requiring the hearing unless the hearing is commenced before the order expires, in which case the Tribunal may extend the time of expiration until the hearing is concluded.

Application of other provisions

(7) If a person requires a hearing under subsection (4), subsections 26 (2), (4) and (5) of this Act apply with necessary modifications to the hearing, and, for greater certainty, section 5.1 of the *Licence Appeal Tribunal Act, 1999* applies to the hearing.

Powers of Tribunal

(8) Following a hearing to consider an order under subsection (2), the Tribunal may confirm, vary or rescind the order.

Unlawful inducements or promotions

30 No manufacturer or employee, agent or licensed representative of a manufacturer shall give any liquor to any person, except in the circumstances that are prescribed or in accordance with the standards and requirements established by the Registrar under section 24.

Intoxication

31 (1) No person shall be in an intoxicated condition in,

- (a) a place to which the general public is invited or permitted access; or
- (b) any part of a residence that is used in common by persons occupying more than one dwelling in the residence.

Arrest without warrant

(2) A police officer or conservation officer may arrest without warrant any person who is contravening subsection (1) if, in the opinion of the officer, it is necessary to do so for the safety of any person.

Sale to intoxicated person

32 No person shall sell or supply liquor or permit liquor to be sold or supplied to any person who is or appears to be intoxicated.

Sell, supply liquor, person under 19

33 (1) No person shall,

- (a) knowingly sell or supply liquor to a person under 19 years of age; or
- (b) sell or supply liquor to a person who appears to be under 19 years of age.

Permitting possession or consumption

(2) No licensee or employee or agent of a licensee shall,

- (a) knowingly permit a person under 19 years of age to have or consume liquor in the licensee's licensed premises; or
- (b) permit a person who appears to be under 19 years of age to have or consume liquor in the licensee's licensed premises.

Exception

(3) Subsection (2) does not prohibit a licensee or employee or agent of a licensee from permitting a person 18 years of age to be in possession of liquor during the course of the person's employment on the licensee's licensed premises.

Use of ferment on premises facility

(4) No licensee of a ferment on premises facility or employee or agent of such a licensee shall,

- (a) knowingly permit a person under 19 years of age to use the facility for the making of beer or wine; or
- (b) permit a person who appears to be under 19 years of age to use the facility for the making of beer or wine.

Reliance on documentation

(5) A person who sells or supplies liquor to another person, permits another person to have or consume liquor in licensed premises or permits a person to use a ferment on premises facility to make beer or wine on the basis of documentation of a

prescribed type is not in contravention of clause (1) (b), (2) (b) or (4) (b) if there is no apparent reason to doubt the authenticity of the documentation or that it was issued to the person producing it.

Supply by parent

(6) This section does not apply to the supplying of liquor to a person under 19 years of age in a residence or in a private place as prescribed by the regulations by a parent of the person or a person having lawful custody of the person.

Prohibitions on possession, etc., by persons under 19

Possession or consumption

34 (1) No person under 19 years of age shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.

Exception

(2) Subsection (1) does not prohibit a person 18 years of age from being in possession of liquor during the course of the person's employment on premises in which the sale or service of liquor is authorized.

Entering premises

(3) No person under 19 years of age shall enter or remain on premises in which the sale of liquor is authorized if the person knows that a condition of the licence or permit for the premises prohibits the entry of persons under 19 years of age.

Exception

(4) Subsection (3) does not apply to a person 18 years of age who is employed on premises in which the sale or service of liquor is authorized while the person is on the premises during the course of the person's employment.

Supply by parent

(5) This section does not apply to the consumption of liquor by a person under 19 years of age who consumes liquor in a residence or in a private place as prescribed by the regulations, if the liquor was provided to the person at that residence or private place by a parent of the person or by a person having lawful custody of the person.

Prohibition, fake ID, etc.

35 For the purpose of attempting to purchase, purchasing or otherwise obtaining liquor, no person shall present as evidence of the person's age any documentation other than documentation that was lawfully issued to the person.

Warning sign — fetal alcohol spectrum disorder

36 No person shall sell or supply liquor or offer to sell or supply liquor from prescribed premises unless a prescribed sign warning of the dangers of fetal alcohol spectrum disorder is displayed in accordance with the regulations.

Unlawful consumption or supply of other alcohol

37 Subject to the regulations, no person shall,

- (a) drink alcohol in a form that is not a liquor; or
- (b) supply alcohol in a form that is not a liquor to another person, if the person supplying the alcohol knows or ought to know that the other person intends it to be used as a drink.

Unlawful purchase

38 No person shall purchase liquor except,

- (a) from the LCBO or under its authority;
- (b) from a person authorized to sell liquor under a licence or permit; or
- (c) in accordance with the regulations.

Unlawful possession

39 (1) No person shall possess liquor unless,

- (a) the liquor was purchased from a retail store for an individual's personal use;
- (b) the liquor is possessed under the authority of a licence or permit;
- (c) the liquor was manufactured by an individual, in accordance with the law, for that individual's personal use or for service at an event at which liquor may be served under the authority of a permit;
- (d) the liquor was imported into Ontario in accordance with the regulations; or
- (e) the liquor is possessed by or under the authority of the LCBO.

Personal use

- (2) In this section, references to an individual's personal use of liquor refer to,
- (a) consuming the liquor;
 - (b) serving the liquor to other individuals at a residence or at a private place as prescribed by the regulations; or
 - (c) giving the liquor to another individual as a gift.

By-law designating recreational area

40 (1) The council of a local or upper-tier municipality may, by by-law, designate a recreational area within the municipality that is owned or controlled by the municipality as a place where the possession of liquor is prohibited.

Non-application of subs. (1)

- (2) A designation under subsection (1) does not prevent the Registrar from issuing a licence or permit.

Unlawful possession

- (3) No person shall have liquor in a place designated under subsection (1).

Exception

- (4) Subsection (3) does not apply to a person in possession of liquor under the authority of a licence or permit or in possession of liquor purchased on premises in respect of which a licence or permit is issued.

Place of possession or consumption

41 (1) No person shall have or consume liquor in any place other than,

- (a) a residence;
- (b) premises in respect of which a licence or permit that permits consumption is issued;
- (c) a private place as prescribed by the regulations; or
- (d) despite any designation of a place made under section 40 and subject to the regulations, a public place designated by a by-law made by the council of a municipality.

Exception

- (2) Subsection (1) does not apply to the possession of liquor that is in a closed container or to samples of liquor provided in accordance with a licence to operate a retail store.

Conveying liquor in motor vehicle

42 (1) No person shall drive or have the care or control of a motor vehicle as defined in the *Highway Traffic Act* or a motorized snow vehicle, whether it is in motion or not, while there is contained in the vehicle any liquor, except under the authority of a licence or permit or if the liquor is,

- (a) in a container that is unopened and the seal unbroken; or
- (b) packed in baggage that is fastened closed or not otherwise readily available to any person in the vehicle.

Search of vehicle

- (2) A police officer or conservation officer who reasonably believes that liquor is being unlawfully kept in a vehicle may at any time, without a warrant, enter and search the vehicle and search any person found in it.

Conveying liquor in boat

43 (1) No person shall operate or have the care or control of a boat that is underway while there is contained in the boat any liquor, except under the authority of a licence or permit or if the liquor is,

- (a) in a container that is unopened and the seal unbroken; or
- (b) stored in a closed compartment.

Search of boat

- (2) A police officer or conservation officer who reasonably believes that liquor is being unlawfully kept in a boat may at any time, without a warrant, enter and search the boat and search any person found in it.

Definition

- (3) In this section,

“boat” includes any vessel used or designed to be used in the navigation of water.

Removing persons from premises re unlawfulness

44 (1) A licensee that has been issued a licence to operate a liquor consumption premises or a permit holder shall ensure that a person does not remain on the premises in respect of which the licence or permit was issued if the licensee or permit holder reasonably believes that the person is,

- (a) unlawfully on the premises;
- (b) on the premises for an unlawful purpose; or
- (c) contravening the law on the premises.

Same, use of force

(2) The licensee or permit holder or an employee of the licensee or permit holder may require a person described in subsection (1) to leave the premises immediately and if the person does not comply, the licensee, permit holder or employee may remove the person or cause the person to be removed by the use of no more force than is necessary.

Compliance

(3) If a licensee or permit holder or an employee of the licensee or permit holder requires a person to leave the premises under subsection (2), the person shall not,

- (a) remain on the premises; or
- (b) re-enter the premises on that day.

Removing persons from premises, other

45 (1) A licensee or employee of a licensee who has reason to believe that the presence of a person on the licensee's licensed premises is undesirable may,

- (a) require the person to leave the premises; or
- (b) forbid the person to enter the premises.

Compliance

(2) If a licensee or employee of a licensee requires a person to leave the premises under subsection (1), the person shall not,

- (a) remain on the premises; or
- (b) re-enter the premises on that day.

Police removing persons from premises re public safety

46 (1) A police officer may order all persons to vacate premises in respect of which a licence to operate a liquor consumption premises or a permit is issued if the officer reasonably believes that a disturbance or breach of the peace sufficient to constitute a threat to public safety is being caused on the premises.

Compliance

(2) If a police officer orders a person to vacate the premises under subsection (1), the person shall not,

- (a) remain on the premises; or
- (b) re-enter the premises on that day, unless authorized to re-enter by a police officer.

Same, licensee or permit holder

(3) The licensee or permit holder in respect of premises that are ordered to be vacated under subsection (1) shall take all reasonable steps to ensure that the premises are vacated.

Police removing persons from premises re contraventions

47 (1) A police officer may order all persons to vacate any premises if the officer reasonably believes that this Act or a prescribed provision of the regulations is being contravened on the premises.

Exception

(2) Subsection (1) does not apply in respect of persons actually residing in the premises.

Compliance

(3) If a police officer orders a person to vacate the premises under subsection (1), the person shall not,

- (a) remain on the premises; or
- (b) re-enter the premises on that day, unless authorized to re-enter by a police officer.

Taking to hospital in lieu of intoxication charge

48 (1) A police officer who finds a person apparently in contravention of subsection 31 (1) may take the person into custody and, in lieu of commencing a proceeding under the *Provincial Offences Act* in respect of the contravention, may escort the person to a prescribed hospital or, if no hospitals are prescribed, to any hospital.

Protection from liability

(2) No action or other proceeding for damages shall be instituted against any physician or any hospital or officer or employee of a hospital on the grounds only that the person examines or treats without consent a person who is brought to the hospital under subsection (1).

Exception

(3) Subsection (2) does not apply if consent to the examination or treatment is required under the *Health Care Consent Act, 1996*.

Detention in institution

49 (1) If a court convicts a person of contravening subsection 31 (1) and it appears that it may be beneficial to the person, the court may order the person to be detained for treatment in an institution designated by the regulations for a period of 90 days or such lesser period that the court thinks advisable.

Consent to treatment

(2) An order under subsection (1) does not authorize the administration of a treatment without consent, if consent to the treatment is required under the *Health Care Consent Act, 1996*.

Release

(3) If, at any time during a person's period of detention ordered under subsection (1), the superintendent of the institution is of the opinion that further detention in the institution will not benefit the person, the superintendent may release the person.

Exception for drugs and medicines

50 (1) This Act does not prevent,

- (a) the sale of a drug dispensed as a medicine by a person allowed to do so under the *Regulated Health Professions Act, 1991*;
- (b) the sale of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in subsection 1 (1) of the *Drug and Pharmacies Regulation Act*, for a person under health care provided by the hospital or institution;
- (c) the sale of a drug under the *Food and Drugs Act* (Canada), except a sale that contravenes clause 37 (b) of this Act; or
- (d) the sale of a drug to a person allowed, under the *Regulated Health Professions Act, 1991*, to dispense or prescribe drugs.

Same

(2) This Act does not prevent the purchase of a drug or medicine pursuant to a sale described in subsection (1).

Exception for research and education

51 This Act does not prevent the possession, service or consumption of liquor for research or educational purposes as approved by the Registrar in the circumstances that are prescribed.

PART IV CIVIL LIABILITY

Civil liability

52 The following rules apply if a person or an agent or employee of a person sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate the person or increase the person's intoxication so that the person would be in danger of causing injury to themselves or injury or damage to another person or the property of another person:

1. If the person to or for whom the liquor is sold commits suicide or meets death by accident while so intoxicated, an action under Part V of the *Family Law Act* lies against the person who or whose employee or agent sold the liquor.
2. If the person to or for whom the liquor is sold causes injury or damage to another person or the property of another person while so intoxicated, the other person is entitled to recover an amount as compensation for the injury or damage from the person who or whose employee or agent sold the liquor.

PART V COMPLIANCE

YOUTH COMPLIANCE MONITORS

Appointment of youth by Commission

53 (1) An individual who is a prescribed age under 19 years old may be appointed by the Registrar for the purposes of monitoring compliance with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Authorization to enter, purchase, etc.

(2) Subsections 34 (1) and (3) do not apply to an individual referred to in subsection (1) of this section while the individual is performing his or her duties respecting this Act, except with respect to consumption.

INSPECTORS

Inspectors

54 (1) The Registrar may designate persons employed by the Alcohol and Gaming Commission of Ontario, or other persons, as inspectors who may carry out inspections for the purpose of ensuring compliance with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Proof of designation on request

(2) An inspector shall, on request, produce proof of his or her designation as an inspector.

Inspections

55 (1) For the purpose of ensuring compliance with this Act, the regulations and the standards and requirements established by the Registrar under section 24, an inspector may, at any reasonable time,

- (a) enter any place, other than any place or any part of a place that is actually used as a dwelling, that is used by a licensee or permit holder in relation to the licence or permit;
- (b) examine records or anything else that is relevant to the inspection;
- (c) conduct such tests as are reasonably necessary;
- (d) demand the production of a record or any other thing that is relevant to the inspection;
- (e) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for review, examination or testing;
- (f) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for copying;
- (g) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (h) take photographs or make any other kind of recording; and
- (i) inquire into all financial transactions, records and other matters that are relevant to the inspection.

Written demand

(2) A demand under this section that a record or any other thing be produced must be in writing and must include a statement of the nature of the record or thing required.

Obligation to produce and assist

(3) If an inspector demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Records and things removed from place

- (4) A record or other thing that has been removed for review, examination, testing or copying,
 - (a) shall be made available on request to the person from whom it was removed and at a time and place that are convenient for the person and for the inspector; and
 - (b) shall be returned to the person within a reasonable time, unless, in the case of a thing that has been subject to testing, the thing has been made unsuitable for return as a result of the testing.

Seizure

(5) An inspector conducting an inspection may seize anything the inspector discovers that the inspector reasonably believes not to be in compliance with this Act, the regulations or the standards and requirements established by the Registrar under section 24.

Same

(6) Subject to section 64, an inspector who seizes a thing under subsection (5) of this section, shall, in accordance with the direction of the Registrar, either return it within a reasonable time or dispose of it.

Experts

(7) An inspector is entitled to call upon such experts as are necessary to assist in an inspection.

Condition of licence

(8) It is a condition of every licence and permit that the licensee and permit holder must facilitate inspections under this Act.

INVESTIGATORS, INCLUDING POLICE OFFICERS

Investigators

56 (1) The Registrar may appoint any person to be an investigator who may carry out investigations for the purpose of determining whether there has been a contravention of this Act or the regulations.

Investigators by default

(2) Police officers are deemed to be investigators.

Proof of appointment

(3) Every investigator who exercises powers under this Act shall, upon request, produce proof of his or her appointment as an investigator or proof that he or she is a police officer, as the case may be.

Search warrant

57 (1) On application made without notice by an investigator, a justice of the peace may issue a warrant if satisfied on information under oath that there are reasonable grounds to believe that,

- (a) there has been or is likely to be a contravention of this Act or the regulations; or
- (b) there is, in any place or conveyance, anything relating to the contravention of this Act or the regulations.

Powers under warrant

- (2) Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator to,
 - (a) enter or access the place or conveyance specified in the warrant and examine and seize anything described in the warrant;
 - (b) use any data storage, information 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;
 - (c) 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, information processing or retrieval device or system to produce the information or evidence described in the warrant, in any form; and
 - (d) use any investigative technique or procedure or do anything described in the warrant.

Obligation to produce and assist

(3) If an investigator demands that a person produce information or evidence described in the warrant or provide assistance under clause (2) (c), the person shall produce the information or evidence or provide the assistance.

Entry of dwelling

(4) Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place or conveyance used as a dwelling, unless,

- (a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and
- (b) the justice of the peace authorizes the entry into the dwelling.

Conditions on warrant

(5) A warrant obtained under subsection (1) shall contain the conditions that the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Execution of warrant

(6) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry

(7) Unless renewed, a warrant issued under this section expires not later than 30 days after the day on which it is made.

Renewal of warrant

(8) A warrant under this section may be renewed for any reason for which it may be issued.

Assistance of police and experts

(9) An investigator acting under the authority of a warrant issued under this section is authorized to call on police officers and experts to assist in the execution of the warrant and to use such force as is necessary in the execution of the warrant.

Searches in exigent circumstances

58 (1) An investigator may exercise any of the powers described in subsection 57 (2) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant.

Dwellings

(2) Subsection (1) does not apply to a place or conveyance or part of a place or conveyance that is actually being used as a dwelling.

Use of force

(3) The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Applicability of s. 57

(4) Subsections 57 (3) and (9) apply with necessary modifications to a search under this section.

Warrantless search of conveyances

59 (1) For any purpose relating to the administration and enforcement of this Act and the regulations, an investigator designated for this section by the Registrar who reasonably believes that a vehicle, a vessel, railway equipment on rails or an aircraft contains evidence of a contravention of this Act or the regulations may,

- (a) without warrant, stop and detain it;
- (b) examine its contents, including any cargo, manifests, records, accounts, vouchers, papers or other documents that may afford evidence of the contravention; and
- (c) subject to subsection (2), seize and take away any of the manifests, records, accounts, vouchers, papers or other documents and retain them until they are produced in a court proceeding.

Application for retention of documents

(2) Where documents are seized under subsection (1), the Registrar shall, within 14 days, make an application to a justice, as defined in the *Provincial Offences Act*, for an order to permit the retention of the documents until they are produced in a court proceeding, and the application may be heard and the order may be made, both without notice, upon receipt of information under oath from a person who reasonably believes that the documents afford evidence of the commission of an offence under this Act or the regulations.

Seizure and disposal of liquor

(3) Where, during a detention under subsection (1), liquor is found in a person's possession contrary to subsection 39 (1), an investigator designated for this section by the Registrar may, subject to subsections (4) and (5), seize, impound and hold and dispose of the liquor.

Application

(4) Liquor seized under subsection (3) is forfeited to the Crown to be disposed of as the Registrar directs unless, within 30 days following the seizure, the person from whom the liquor was seized, or the owner of the liquor, applies to the Superior Court of Justice to establish the right to possess the liquor.

Right to possession of liquor

(5) For the purpose of an application under subsection (4), the applicant has the right to possession of the liquor if the possession did not, at the time the seizure was made, constitute a contravention of subsection 39 (1).

Order

(6) Where, on application under subsection (4), the court is satisfied that the applicant has the right to possession of the liquor, the court may order that the liquor be returned to the applicant or that the proceeds of sale of the liquor be paid to the applicant.

Disposal pending final determination by court

(7) Where a final order has not been made under subsection (6) within 60 days after the filing of the application under subsection (4), the Registrar may dispose of the liquor and retain the proceeds pending the determination of the application.

Forfeiture after dismissal of application

(8) Upon dismissal of an application under subsection (4) and the expiry of the appeal period provided therefor, the liquor is forfeited to the Crown to be disposed of as the Registrar directs.

Proceeds of sale

(9) Where a sale of liquor is directed under subsection (4) or (8), or where the proceeds of a sale are retained under subsection (7) and the application is dismissed, the proceeds of the sale remaining after payment of costs incurred by the Registrar in seizing, storing and disposing of the liquor shall be paid into the Consolidated Revenue Fund.

Definition

(10) For the purposes of this section,

“vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle or motorized snow vehicle, other than a street car, and includes anything attached to the vehicle.

Seizure of things in plain view

60 An investigator who is lawfully present in a place or conveyance pursuant to a warrant or otherwise in the execution of the investigator’s duties may, without a warrant, seize anything in plain view that the investigator reasonably believes will afford evidence relating to a contravention of this Act or the regulations.

Other seizure without warrant

Evidence, illegal use, proceeds

61 (1) A police officer or conservation officer may seize anything, including liquor, if he or she reasonably believes,

- (a) that the thing will afford evidence of the commission of an offence under this Act;
- (b) that,
 - (i) the thing was used or is being used in connection with the commission of an offence under this Act, and
 - (ii) unless the thing is seized it is likely that it would continue to be used or would be used again in the commission of an offence under this Act; or
- (c) that the thing is proceeds from the commission of an offence under this Act.

Liquor in presence of offence

(2) If an offence appears to have been committed under this Act, and a police officer or conservation officer reasonably believes, in view of the offence apparently committed and the presence of liquor, that a further offence is likely to be committed, the officer may seize the liquor and the packages in which it is kept.

Arrest without warrant

62 If a police officer or conservation officer finds a person apparently in contravention of this Act or apparently in contravention of a prescribed provision of the regulations and the person refuses to give his or her name and address or the officer reasonably believes that the name or address given is false, the officer may arrest the person without a warrant.

FORFEITURE OR RESTORATION

Return of documents

63 A record or other document seized under this Part may be copied and shall be returned within a reasonable time, except if the regulations provide otherwise.

Restoration, forfeiture, relief

Order for restoration

64 (1) The Ontario Court of Justice may, on the application of any person made within 30 days of a seizure under section 61, order that the things seized be restored without delay to the applicant if the court is satisfied that,

- (a) the applicant is entitled to possession of the things seized;
- (b) the things seized are not required as evidence in any proceeding;
- (c) continued detention of the things seized is not necessary to prevent the commission of an offence; and
- (d) it is unlikely that the things will be forfeited on conviction under subsection (4).

Same

(2) If the court is satisfied that an applicant under subsection (1) is entitled to possession of the things seized but is not satisfied as to all of the matters mentioned in clauses (1) (b), (c) and (d), it shall order that the things seized be restored to the applicant,

- (a) three months after the date of the seizure, if no proceeding in respect of an offence has been commenced; or
- (b) on the final conclusion of any such proceeding.

Forfeiture without conviction

(3) If no application has been made under subsection (1) for the return of a thing seized, or an application has been made but upon the hearing of the application no order for restoration has been made, the thing seized is forfeited to the Crown.

Forfeiture upon conviction

(4) If a person is convicted of an offence under this Act, the court shall order that anything seized under this Act in connection with the offence be forfeited to the Crown, unless the court considers that the forfeiture would be unjust in the circumstances.

Relief against forfeiture

(5) Any person with an interest in a thing forfeited under this section may apply to the Superior Court of Justice for relief against the forfeiture and the court may make an order providing for any relief that it considers just, including, but not limited to, one or more of the following orders:

- 1. An order directing that the thing or any part of the thing be returned to the applicant.
- 2. An order directing that any interest in the thing be vested in the applicant.
- 3. An order directing that an amount be paid by the Crown to the applicant by way of compensation for the forfeiture.

Where relief is unavailable

(6) The court shall not order any relief under subsection (5) unless the court is satisfied that the applicant did not, directly or indirectly, participate in or benefit from any offence in connection with which the thing was seized.

Forfeiture of illegal liquor

65 Liquor kept or offered for sale in contravention of subsection 2 (1) and liquor purchased in contravention of section 38 is forfeited to the Crown.

OBSTRUCTION**Obstruction****Inspections**

66 (1) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection under this Act, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

Investigations

(2) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an investigator executing a warrant under this Act or withhold from the investigator or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant.

**PART VI
OFFENCES****Offences**

67 (1) A person is guilty of an offence if the person,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act;
- (b) knowingly fails to comply with an order under subsection 29 (2);
- (c) contravenes any provision of this Act or the regulations; or
- (d) knowingly possesses the proceeds of an offence under this Act.

Director or officer

(2) A director or officer of a corporation who caused, authorized, permitted or participated in an offence under this Act by the corporation is guilty of an offence.

Penalties, general

68 (1) Upon conviction for an offence under this Act, other than a contravention of subsection 33 (1), (2) or (4),

- (a) a corporation is liable to a fine of not more than \$250,000; and
- (b) an individual is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or both.

Exception

(2) An individual who is convicted of an offence under subsection 31 (1) or 41 (1) is not liable to imprisonment.

Penalties, sale, etc., to a minor

69 Upon conviction for contravening subsection 33 (1), (2) or (4),

- (a) a corporation that is not a licensee is liable to a fine of not less than \$200 and not more than \$500,000;
- (b) an individual that is not a licensee is liable to a fine of not less than \$200 and not more than \$200,000 or imprisonment for a term of not more than one year, or both;
- (c) a corporation that is a licensee is liable to a fine of not less than \$1,000 and not more than \$500,000, and in addition, in the case of a contravention of subsection 33 (1), the licence shall be suspended for a period of not less than seven days; and
- (d) an individual that is a licensee is liable to a fine of not less than \$1,000 and not more than \$200,000 or to imprisonment for a term of not more than one year, or both, and in addition, in the case of a contravention of subsection 33 (1), the licence shall be suspended for a period of not less than seven days.

Further penalty and forfeiture without exception, s. 39 illegal liquor

70 Despite subsection 64 (4), if a person is convicted of an offence under section 39, all liquor seized from the person under a search warrant in relation to that section is forfeited to the Crown and the court shall impose a penalty, payable to the Consolidated Revenue Fund, of not more than \$100 for each litre of liquor forfeited.

PART VII YOUTH EDUCATION, PREVENTION PROGRAMS

Youth education, prevention programs

71 (1) The Minister may approve education or prevention programs pertaining to the use of liquor, health and wellbeing, or any other matter that the Minister considers appropriate.

Publication

(2) The Minister shall maintain a list of the programs on a website of the Government of Ontario.

Youth education, prevention program referrals

72 (1) A police officer who has reasonable grounds to believe that a person who is under 19 years of age has contravened subsection 34 (1) or (3) may refer the person to a youth education or prevention program approved under this Part instead of commencing a proceeding under the *Provincial Offences Act*.

Same

(2) A prosecutor may, in exercising a power to stay a proceeding under subsection 32 (1) of the *Provincial Offences Act* or a right to withdraw a charge, refer a person who is charged with a contravention of subsection 34 (1) or (3) of this Act to a youth education or prevention program approved under this Part.

Youth education, prevention program as alternative to penalty

73 (1) If an individual is convicted of an offence under subsection 34 (1) or (3), the court may suspend the passing of sentence and, as a condition in a probation order, direct that the individual participate in one or more approved youth education or prevention programs, subject to any conditions or restrictions the court may specify.

(2) A condition imposed in a probation order under subsection (1) is in addition to any other condition the court may impose in a probation order under the *Provincial Offences Act*.

PART VIII EVIDENCE

Copies admissible in evidence

74 A copy of a record or other thing that purports to be certified by an inspector, investigator or conservation officer as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Analyst's certificate or report

75 A certificate or report that purports to be signed by a chemist designated by the LCBO as to the composition of any liquor or other substance is admissible in evidence and, in the absence of evidence to the contrary, is proof of the information set out in the certificate or report and of the authority of the person giving it or making it.

Apparent age, person under 19

76 In a prosecution for a contravention of clause 33 (1) (b), (2) (b) or (4) (b), the court may determine, from the appearance of the person and from other relevant circumstances, whether a person to whom liquor was served or supplied, a person who was permitted to have or consume liquor or a person who was permitted to use a ferment on premises facility to make beer or wine appears to be under 19 years of age.

PART IX MISCELLANEOUS

Confidentiality

77 (1) Every person engaged in the administration of this Act shall preserve confidentiality in respect of all matters that come to his or her knowledge in the course of his or her duties and shall not communicate any such matter to any other person except,

- (a) as may be required in connection with the administration of this Act or any proceeding under this Act;
- (b) to an official or employee of the Crown in right of Ontario, the LCBO or the Alcohol and Gaming Commission of Ontario who required it in the course of their duties;
- (c) to his or her counsel; or
- (d) with the consent of the person to whom the matter relates.

FIPPA, third party information

(2) Information described in subsection (1) that would reveal the sales of an individual retail store and that is held by an institution is deemed, for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act*, to be financial and commercial information supplied in confidence to the institution, and this subsection prevails over the *Freedom of Information and Protection of Privacy Act*.

Testimony in civil proceeding

(3) No person engaged in the administration of this Act shall be required to give testimony in any civil proceeding with regard to information obtained by the person in the course of the person's duties except in a proceeding under this Act.

PART X REGULATIONS AND CITY OF TORONTO BY-LAWS

Regulations

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

- 1. prescribing anything that is required or permitted under this Act to be prescribed or to be done by or in accordance with the regulations;
- 2. exempting any person, product or premises from any provision of this Act or the regulations, or authorizing the Registrar to exempt any person from the requirement to provide information in respect of an application for a licence or permit;
- 3. governing the purchase, wholesale, sale, delivery or storage of liquor;
- 4. governing the prices at which liquor is to be sold at retail stores or by wholesalers including the LCBO;
- 5. prescribing standards for liquor manufactured, purchased, distributed or sold in Ontario;
- 6. establishing waste-management programs that may apply to licensees, the LCBO and retail stores operated by agents of the LCBO;
- 7. prohibiting or governing the possession of liquor in provincial parks, in parks managed or controlled by the Niagara Parks Commission or the St. Lawrence Parks Commission or on lands owned or controlled by a conservation authority established or continued under the *Conservation Authorities Act*;
- 8. establishing standards and requirements respecting any matter referred to in section 24 that is not otherwise provided for by this subsection;
- 9. governing designations made under clause 41 (1) (d), including imposing conditions and limitations on the power to make the designations;
- 10. governing the transfer and admission of persons to institutions under section 49 and the detention of persons in such institutions;

11. governing licences and permits, including establishing classes within categories of licences or classes of permit;
12. prescribing conditions that are imposed on licences and permits;
13. requiring licensees, permit holders and persons importing liquor to provide the Registrar or the LCBO with information and returns;
14. governing the information that may or must appear on containers of liquor sold or kept for sale at retail stores;
15. prescribing standards for licensed premises, ferment on premises facilities and premises used by permit holders for the sale and service of liquor;
16. authorizing the Board to approve training courses or programs;
17. authorizing the Registrar to approve a temporary physical extension of licenced premises;
18. clarifying the meaning of any term or phrase used in this Act that is not defined in this Act;
19. providing for other matters to carry out the purpose of this Act.

Local option

- (2) The Lieutenant Governor in Council may make regulations governing a local option system, including,
- (a) prohibiting the issuance of licences in a municipality or part thereof and prescribing licenses that may be issued despite the prohibition;
 - (b) permitting municipalities to, by by-law, prohibit the issuance in the municipality or part thereof of licences, categories of licences or prescribed classes within categories of licences;
 - (c) providing that provisions of this Act do not apply or are varied;
 - (d) respecting any matters addressed under sections 52 to 60 of the *Liquor Licence Act*, as it read immediately before it was repealed; and
 - (e) providing for transitional matters.

Incorporation by reference

- (3) A regulation 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.

City of Toronto by-laws

79 (1) The City of Toronto may pass by-laws extending the hours of sale of liquor in all or part of the City by licensees of a licence to operate a liquor consumption premises and a by-law may authorize a specified officer or employee of the City to extend the hours of sale during events of municipal, provincial, national or international significance.

Effect of by-law

- (2) A by-law passed under subsection (1) prevails over a regulation.

Exception

- (3) A by-law passed under subsection (1) does not prevail over a condition of a licence or permit.

PART XI TRANSITION

Licence, permit, authorization

80 A licence or permit issued under the *Liquor Licence Act*, as it read immediately before it was repealed, or an authorization under the *Liquor Control Act*, as it read immediately before subsection 20 (2) of Schedule 21 to the *Plan to Build Ontario Together Act, 2019* came into force, continues in force in accordance with the regulations.

Designation

81 A designation under subsection 43 (1) of the *Liquor Licence Act*, as it read immediately before it was repealed, continues as a designation under subsection 54 (1) of this Act until it expires or is revoked.

Prohibited areas

82 (1) A prohibition on the issuance of a licence to sell liquor or the establishment of a government store in a municipality or part of a municipality under the *Liquor Licence Act*, as it read immediately before it was repealed, continues as a prohibition on the issuance of a licence to operate a liquor consumption premises until the prohibition is lifted.

Same

(2) A prohibition on the sale of liquor other than beer and wine in licensed premises located in a municipality or part of a municipality under the *Liquor Licence Act*, as it read immediately before it was repealed, and a deemed condition on a licence that permits only beer and wine to be sold in such a licensed premises, continues until the prohibition is lifted.

City of Toronto by-laws

83 A by-law passed under subsection 62.1 (1) of the *Liquor Licence Act*, as it read immediately before it was repealed, continues in force as a by-law under subsection 79 (1) of this Act until it is revoked.

Minister's regulations re transitional matters

84 The Minister may make regulations governing such transitional matters as the Minister considers necessary or advisable to,

- (a) facilitate the implementation of this Act;
- (b) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of any Act by Schedule 22 to the *Plan to Build Ontario Together Act, 2019*; and
- (c) delegate to the LCBO any powers exercised by the LCBO before subsection 20 (2) of Schedule 21 to the *Plan to Build Ontario Together Act, 2019* came into force.

**PART XII
REPEALS**

Liquor Licence Act

85 The *Liquor Licence Act* is repealed.

Wine Content and Labelling Act, 2000

86 The *Wine Content and Labelling Act, 2000* is repealed.

**PART XIII
AMENDMENTS TO OTHER ACTS**

City of Greater Sudbury Act, 1999

87 (1) Subsection 11.5 (1) of the *City of Greater Sudbury Act, 1999* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(2) Subsection 11.5 (2) of the Act is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

City of Hamilton Act, 1999

88 (1) Subsection 11.5 (1) of the *City of Hamilton Act, 1999* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(2) Subsection 11.5 (2) of the Act is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

City of Ottawa Act, 1999

89 (1) Subsection 12.6 (1) of the *City of Ottawa Act, 1999* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(2) Subsection 12.6 (2) of the Act is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

City of Toronto Act, 2006

90 (1) Clause 97 (3) (a.1) of the *City of Toronto Act, 2006* is repealed and the following substituted:

- (a.1) liquor under the authority of a licence or permit issued under the *Liquor Licence and Control Act, 2019*; and
- (2) Subparagraphs 5 ii and iii of subsection 267 (2) of the Act are repealed and the following substituted:
 - ii. for the purchase of liquor as defined in subsection 1 (1) of the *Liquor Licence and Control Act, 2019* for use or consumption,
 - iii. for the production by the person of beer or wine, as defined in subsection 1 (1) of the *Liquor Licence and Control Act, 2019*, at a ferment on premises facility, as defined in subsection 1 (1) of that Act, for use or consumption,

Election Act

91 Subsection 13 (5) of the *Election Act* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

Employment Standards Act, 2000

92 Subparagraph 1 ii of subsection 23.1 (1) of the *Employment Standards Act, 2000* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

Food Safety and Quality Act, 2001

93 Clause (b) of the definition of “food” in section 2 of the *Food Safety and Quality Act, 2001* is repealed and the following substituted:

- (b) liquor as defined in subsection 1 (1) of the *Liquor Licence and Control Act, 2019*,

Highway Traffic Act

94 Clause 46 (1) (d) of the *Highway Traffic Act* is repealed and the following substituted:

- (d) under subsection 42 (1) of the *Liquor Licence and Control Act, 2019* or subsection 32 (1) of the *Liquor Licence Act*, as it read immediately before it was repealed; or

Human Rights Code

95 Subsection 20 (2) of the *Human Rights Code* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

Legislative Assembly Act

96 (1) Clause 8 (2) (e) of the *Legislative Assembly Act* is amended by striking out “The Liquor Licence Board of Ontario”.

(2) Paragraph 2 of subsection 103 (8) of the Act is repealed and the following substituted:

- 2. The *Liquor Licence and Control Act, 2019*.

Licence Appeal Tribunal Act, 1999

97 (1) Subsection 5.1 (1) of the *Licence Appeal Tribunal Act, 1999* is amended by striking out “the *Liquor Control Act*, the *Liquor Licence Act*” and substituting “the *Liquor Licence and Control Act, 2019*”.

(2) Subsection 11 (1) of the Act is amended by striking out “*Liquor Control Act*” and “*Liquor Licence Act*” and adding “*Liquor Licence and Control Act, 2019*”.

(3) Subsection 11 (2) of the Act is amended by striking out “the *Liquor Control Act*, the *Liquor Licence Act*” and substituting “the *Liquor Licence and Control Act, 2019*”.

(4) Clause 12 (1) (f) of the Act is repealed.

Limitations Act, 2002

98 The Schedule to the *Limitations Act, 2002* is amended by,

- (a) striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”; and
- (b) striking out “subsection 44.1 (4)” and substituting “subsection 59 (4)”.

Municipal Act, 2001

99 Clause 148 (4) (b) of the *Municipal Act, 2001* is repealed and the following substituted

- (b) liquor under the authority of a licence or permit issued under the *Liquor Licence and Control Act, 2019*; and

Municipal Elections Act, 1996

100 (1) Subsection 4 (4) of the *Municipal Elections Act, 1996* is repealed and the following substituted:

Exception

(4) The vote on a question under section 53 or 54 of the *Liquor Licence Act*, as it read immediately before it was repealed, or under any successors to those provisions in a regulation made under the *Liquor Licence and Control Act, 2019*, may be held at another time than the next regular election only with the approval of the board of the Alcohol and Gaming Commission of Ontario under section 55 of the *Liquor Licence Act*, as it read immediately before it was repealed, or under any successor to that provision in a regulation made under the *Liquor Licence and Control Act, 2019*.

(2) Paragraph 2 of subsection 65 (5) of the Act is repealed and the following substituted:

- 2. Despite rule 1, in the case of a question under section 53 or 54 of the *Liquor Licence Act*, as it read immediately before it was repealed, or under any successors to those provisions in a regulation made under the *Liquor Licence and Control Act, 2019*, the date of voting day is fixed by the council of the municipality with the approval of the board of the Alcohol and Gaming Commission of Ontario under section 55 of the *Liquor Licence Act*, as it read immediately before it was repealed, or under any successor to that provision in a regulation made under the *Liquor Licence and Control Act, 2019*.

Provincial Offences Act

101 Clause 69 (20) (b) of the *Provincial Offences Act* is amended by striking out “under subsection 31 (2) or (4) of the *Liquor Licence Act*” at the end and substituting “under subsection 31 (1) or 41 (1) of the *Liquor Licence and Control Act, 2019*”.

Retail Business Holidays Act

102 Subsection 3 (5) of the *Retail Business Holidays Act* is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

Taxation Act, 2007

103 The definition of “licence” in section 104.13 of the *Taxation Act, 2007* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

Town of Haldimand Act, 1999

104 (1) Subsection 13.5 (1) of the *Town of Haldimand Act, 1999* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(2) Subsection 13.5 (2) of the Act is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

Town of Norfolk Act, 1999

105 (1) Subsection 13.5 (1) of the *Town of Norfolk Act, 1999* is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.

(2) Subsection 13.5 (2) of the Act is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.

Vintners Quality Alliance Act, 1999

106 The definition of “government store” in section 2 of the *Vintners Quality Alliance Act, 1999* is repealed.

PART XIV
COMMENCEMENT AND SHORT TITLE

Commencement

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

Short title

108 The short title of the Act set out in this Schedule is the *Liquor Licence and Control Act, 2019*.

SCHEDULE 23
METROPOLITAN TORONTO CONVENTION CENTRE CORPORATION ACT

1 The definition of “Centre” in section 1 of the *Metropolitan Toronto Convention Centre Corporation Act* is repealed.

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

Objects

(1) The objects of the Corporation are to operate, maintain and manage an international class convention centre facility in the City of Toronto in a manner that will promote and develop tourism and industry in Ontario.

Name of facility

(1.1) The name of the convention centre facility shall be,

- (a) the Metro Toronto Convention Centre in English and Palais des congrès de la communauté urbaine de Toronto in French; or
- (b) whatever other name that the Board specifies and the Minister has approved.

(2) Clauses 6 (2) (a) and (b) of the Act are repealed and the following substituted:

- (a) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the construction, operation and maintenance of the convention centre facility;
 - (b) to operate or grant leases for the operation of retail shops, restaurants, theatres, parking facilities, exhibition facilities and any other facilities or conveniences incidental to or necessary to the operation of the convention centre facility;
- (b.1) with the approval of the Minister, to specify a name of the convention centre facility for the purpose of clause (1.1) (b);

3 Subsection 11 (2) of the Act is amended by striking out “Treasurer of Ontario” and substituting “Minister of Finance”.

Commencement

4 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 24
MOTORIZED SNOW VEHICLES ACT

1 Clause 2 (11) (e) of the *Motorized Snow Vehicles Act* is repealed and the following substituted:

- (e) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the issue or validation of permits on motorized snow vehicles, and exempting any class of person or any class of motorized snow vehicle from a requirement to affix, display or show evidence of validation, and prescribing conditions for any such exemptions;

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

False or inaccurate document

(1.1) No person, under this Act, shall submit a false or inaccurate document or electronic document, or display, present or surrender a document or electronic document that is fictitious, altered or an imitation.

3 The Act is amended by adding the following section:

Power to do things electronically

27 (1) Anything that the Minister, the Ministry or the Registrar of Motor Vehicles is required or authorized to do or to provide under this Act may be done or provided by electronic means or in an electronic format.

Same

(2) Anything that any person is required or authorized to do or to provide to the Minister, the Ministry or the Registrar of Motor Vehicles under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Ministry.

Regulations

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

- (a) providing for the use of electronic documents, including electronic driver's licences or permits, when a driver is required by this Act to carry or produce a driver's licence or permit, or to display on a snow vehicle evidence of validation of a permit, and in other prescribed situations;
- (b) governing the use, issuance, creation, recording, storage, transmission, copying, display, appearance, form or content of electronic documents;
- (c) where a regulation described in clause (a) provides for the use of electronic documents, providing that specified requirements set out in this Act or the regulations do not apply;
- (d) governing the admissibility of electronic documents in court;
- (e) governing the circumstances in which the information set out in an electronic document is deemed to be true, and in which the electronic document or a copy or excerpt of it shall be received in evidence as proof of the information set out in it.

Conflict

(4) In the event of a conflict between a regulation made under this section and this Act, the regulation prevails.

Commencement

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

SCHEDULE 25
MUNICIPAL ACT, 2001

1 Subsection 329 (2) of the *Municipal Act, 2001* is amended by adding the following paragraph:

- 2.1 If there is a change to the permitted uses of the land in the year that would result in the assessment made under section 36 of the *Assessment Act* for the taxation year differing from the assessment made for the year, recalculate the taxes determined under paragraph 1 as if the change to the permitted uses of the land had applied for the entire year.

Commencement

2 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 26
OFF-ROAD VEHICLES ACT

1 Section 6 of the *Off-Road Vehicles Act* is amended by adding the following subsection:

False or inaccurate document

(1.1) Every person who, under this Act, submits a false or inaccurate document or electronic document, or displays, presents or surrenders a document or electronic document that is fictitious, altered or an imitation is guilty of an offence and on conviction, in addition to any other penalty to which the person may be liable, is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than 30 days, or to both.

2 The Act is amended by adding the following section:

Power to do things electronically

25 (1) Anything that the Minister, the Ministry or the Registrar is required or authorized to do or to provide under this Act may be done or provided by electronic means or in an electronic format.

Same

(2) Anything that any person is required or authorized to do or to provide to the Minister, the Ministry or the Registrar under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Ministry.

Regulations

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

- (a) providing for the use of electronic documents, including electronic permits, when a driver is required by this Act to carry or surrender a permit, and in other prescribed situations;
- (b) governing the use, issuance, creation, recording, storage, transmission, copying, display, appearance, form or content of electronic documents;
- (c) where a regulation described in clause (a) provides for the use of electronic documents, providing that specified requirements set out in this Act or the regulations do not apply;
- (d) governing the admissibility of electronic documents in court;
- (e) governing the circumstances in which the information set out in an electronic document is deemed to be true, and in which the electronic document or a copy or excerpt of it shall be received in evidence as proof of the information set out in it.

Conflict

(4) In the event of a conflict between a regulation made under this section and this Act, the regulation prevails.

Commencement

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

SCHEDULE 27
OMBUDSMAN ACT

1 Subsection 19 (3.1) of the *Ombudsman Act* is amended by adding “Part X of the *Child, Youth and Family Services Act, 2017*” after “subject to” and by adding “in that Part or” before “in those Acts”.

Commencement

2 This Schedule comes into force on the later of the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent and the day section 281 of Schedule 1 (*Child, Youth and Family Services Act, 2017*) to the *Supporting Children, Youth and Families Act, 2017* comes into force.

SCHEDULE 28
ONTARIO DRUG BENEFIT ACT

1 Subsection 6 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Amount executive officer to pay

(1) The amount the executive officer shall pay under subsection 5 (1) in respect of a listed drug product is the amount calculated by adding the amounts determined under paragraphs 1, 2 and 3, subtracting from that total the maximum co-payment that may be charged in respect of the supplying of a listed drug product for an eligible person, as provided for in the regulations, and by further subtracting from that amount any additional amount determined by the executive officer in accordance with the regulations:

.

2 (1) Subsection 18 (1) of the Act is amended by adding the following clause:

(g.3) governing the manner in which the executive officer determines any additional amount to be subtracted under subsection 6 (1);

(2) Subsection 18 (8) of the Act is amended by striking out the portion before clause (a) substituting the following:

Public consultation before making regulations

(8) The Lieutenant Governor in Council shall not make any regulation under clause (1) (0.a), (0.a.1), (b), (b.1), (e.1), (e.1.2), (g.1), (g.3), (g.4), (k.1) or (k.5.1) and the Minister shall not make any regulation under subsection (1.1) unless,

.

Commencement

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

**SCHEDULE 29
PENSION BENEFITS ACT**

1 Subsection 14 (5) of the *Pension Benefits Act* is repealed.

2 (1) Clause 79.1 (1) (a) of the Act is repealed and the following substituted:

(a) the transfer is authorized under section 21, 42, 80, 80.2, 80.4 or 81; or

(2) Clause 79.1 (1) (a) of the Act, as amended by subsection (1), is amended by striking out “80.2, 80.4” and substituting “80.2, 80.3, 80.4”.

3 Subsection 80.4 (3) of the Act is repealed and the following substituted:

Requirements re defined contribution benefits

(3) If the single employer pension plan provides defined contribution benefits as well as defined benefits, the employer of the single employer pension plan may elect to transfer the assets in respect of the defined contribution benefits to the jointly sponsored pension plan and if the employer so elects, the transfer of assets in respect of the defined contribution benefits must comply with the requirements, if any, that are prescribed by the regulations.

Building Opportunity and Securing Our Future Act (Budget Measures), 2014

4 Subsections 9 (2), (3) and (4) of Schedule 26 to the *Building Opportunity and Securing Our Future Act (Budget Measures), 2014* are repealed.

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

(2) Subsection 2 (2) comes into force on the day section 36 of the *Securing Pension Benefits Now and for the Future Act, 2010* comes into force.

SCHEDULE 30
PERSONAL HEALTH INFORMATION PROTECTION ACT, 2004

1 Section 2 of the *Personal Health Information Protection Act, 2004* is amended by adding the following definition:

“de-identify”, in relation to the personal health information of an individual, means to remove any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual, and “de-identification” has a corresponding meaning; (“anonymiser”)

2 Subparagraph 4 iii of the definition of “health information custodian” in subsection 3 (1) of the Act is amended by striking out “Part VI of”.

3 The Act is amended by adding the following section:

Limits on use of de-identified information

11.2 (1) Subject to subsection (2) and to any other exceptions that may be prescribed, no person shall use or attempt to use information that has been de-identified to identify an individual, either alone or with other information, unless this Act or another Act permits the information to be used to identify the individual.

Exceptions

(2) The limitation in subsection (1) does not prevent any of the following from using information that they de-identified, either alone or with other information, to identify an individual:

1. A health information custodian.
2. A prescribed entity mentioned in subsection 45 (1).
3. A prescribed person who compiles or maintains a registry of personal health information.
4. Any other prescribed person.

4 Subsection 47 (1) of the Act is repealed.

5 The definition of “de-identify” in subsection 55.1 (1) of the Act is repealed.

6 Clause 61 (1) (e) of the Act is repealed and the following substituted:

- (e) make an order directing any person whose activities the Commissioner reviewed to return, transfer or dispose of records of personal health information that the Commissioner determines the person collected, used or disclosed in contravention of this Act, its regulations, or an agreement entered into under this Act but only if the return, transfer or disposal of the records is not reasonably expected to adversely affect the provision of health care to an individual.

7 (1) Subsection 72 (1) of the Act is amended by adding the following clause:

(b.1) wilfully contravenes section 11.2;

(2) Subsection 72 (5) of the Act is amended by adding “or his or her agent” at the end.

8 (1) Subsection 73 (1) of the Act is amended by adding the following clauses:

- (n.2) prescribing under what circumstances the Agency may collect, use and disclose personal health information, the conditions that apply to the collection, use and disclosure of personal health information by the Agency and disclosures of personal health information that may be made by a health information custodian or other person to the Agency;
- (n.3) prescribing,
- (i) under what circumstances a person or entity or group of persons or entities designated under subsection 29 (1) of the *Connecting Care Act, 2019* may collect, use and disclose personal health information,
 - (ii) conditions that apply to the collection, use and disclosure of personal health information by a person, entity or group mentioned in subclause (i), and
 - (iii) disclosures of personal health information that may be made by a health information custodian or other person to a person, entity or group mentioned in subclause (i);
- (n.4) providing for and governing powers, functions and responsibilities of the Agency for the purposes of this Act and the regulations;
- (n.5) respecting requirements with which a health information custodian is required to comply when selecting and using electronic means to collect, use, modify, disclose, retain or dispose of personal health information, including the process for setting, monitoring and enforcing such requirements;

(2) Section 73 of the Act is amended by adding the following subsection:

Rolling incorporation by reference

(4) If a regulation adopts by reference any code, standard, guideline or similar document, the regulation may require compliance with the code, standard, guideline or document as amended from time to time, whether the amendment was made before or after the regulation was made.

Connecting Care Act, 2019

9 Subsection 46 (1) of the *Connecting Care Act, 2019* is amended by adding “or under any provisions of the *Personal Health Information Protection Act, 2004* or the regulations made under that Act that are prescribed for the purposes of this section” after “*Excellent Care for All Act, 2010*”.

Commencement

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

SCHEDULE 31 PLANNING ACT

1 (1) Section 37 of the *Planning Act*, as enacted by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, is amended by adding the following subsection:

Commencement of by-law

(10.1) A community benefits charge by-law comes into force on the day it is passed or the day specified in the by-law, whichever is later.

(2) Section 37 of the Act, as enacted by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, is amended by adding the following subsections:

Notice of by-law and time for appeal

(11.1) The clerk of a municipality that has passed a community benefits charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(11.2) Notices required under subsection (11.1) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(11.3) Every notice required under subsection (11.1) must be given not later than 20 days after the day the by-law is passed.

When notice given

(11.4) A notice required under subsection (11.1) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(11.5) Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duties on appeal

(11.6) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by-law, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the community benefits charge strategy;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(11.7) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day of appeal and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(11.8) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(11.9) The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by-law forwarded by the clerk of a municipality.

Who to get notice

(11.10) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(11.11) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to repeal or amend the by-law in accordance with the Tribunal's order; or

- (c) repeal or amend the by-law in such manner as the Tribunal may determine.

Limitation on powers

(11.12) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of a community benefits charge that will be payable in any particular case;
- (b) add, remove, or reduce the scope of, an exemption provided in the by-law;
- (c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or
- (d) change the date, if any, the by-law will expire.

Dismissal without hearing

(11.13) Despite subsection (11.9), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered repeals, amendments effective

(11.14) The repeal or amendment of a community benefits charge by-law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds, if L.P.A.T. repeals by-law, etc.

(11.15) If the Tribunal repeals or amends a community benefits charge by-law or orders the council of a municipality to repeal or amend a community benefits charge by-law, the municipality shall refund,

- (a) in the case of a repeal, any community benefits charge paid under the by-law; or
- (b) in the case of an amendment, the difference between any community benefits charge paid under the by-law and the community benefits charge that would have been payable under the by-law as amended.

When refund due

(11.16) If a municipality is required to make a refund under subsection (11.15), it shall do so,

- (a) if the Tribunal repeals or amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to repeal or amend the by-law, within 30 days after the repeal or amendment by the council.

Interest

(11.17) The municipality shall pay interest on an amount it refunds at a rate not less than the prescribed minimum interest rate from the time the amount was paid to the municipality to the time it is refunded.

Application of other subsections to amendments

(11.18) Subsections (9), (10), (10.1) and (11.1) to (11.17) apply, with necessary modifications, to an amendment to a community benefits charge by-law other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(11.19) In an appeal of an amendment to a community benefits charge by-law, the Tribunal may exercise its powers only in relation to the amendment.

2 Subsection 37.1 (5) of the Act is amended by striking out “and paragraph 5 of subsection 51.1 (7)” in the portion before clause (a) and substituting “subsection 42 (2.1) and subsection 51.1 (7)”.

3 Section 42 of the Act is amended by adding the following subsection:

Continued application of old section

(2.1) This section, as it read on the day before subsection 12 (3) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply to a local municipality until the applicable date described in subsection 37.1 (5).

4 (1) Section 51.1 of the Act is amended by adding the following subsection:

Continued application of old section

(6.1) This section, as it read on the day before subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply with respect to land in a local municipality until the applicable date described in subsection 37.1 (5).

(2) Subsection 51.1 (7) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Transition

(7) If a draft plan of subdivision is approved before the applicable date described in subsection 37.1 (5) for the local municipality in which the draft plan of subdivision is located and the approval authority has imposed a condition under subsection (1), the following rules apply on and after that date with respect to the land within the draft plan of subdivision:

.

Commencement

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

SCHEDULE 32
PROVINCIAL DAY OF ACTION ON LITTER ACT, 2019

Preamble

Reducing litter is a priority in Ontario.

All Ontarians are encouraged to pick up litter that they encounter in public places, including waterways. Individuals can undertake actions to reduce litter either on their own initiative or in conjunction with groups organized by entities, such as school communities, municipalities or businesses. Ontarians are also encouraged to educate themselves about, and maintain their awareness of, laws in Ontario with respect to littering.

To raise awareness of the importance of a clean environment and of not littering, it is appropriate to proclaim an annual Provincial Day of Action on Litter.

Provincial Day of Action on Litter

1 The second Tuesday in May in each year is proclaimed as the Provincial Day of Action on Litter.

Commencement

2 The Act set out in this Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

Short title

3 The short title of the Act set out in this Schedule is the *Provincial Day of Action on Litter Act, 2019*.

SCHEDULE 33
PROVINCIAL OFFENCES ACT

1 (1) Subsection 23 (1) of the *Provincial Offences Act* is amended by striking out “and the justice shall receive the information” at the end.

(2) Section 23 of the Act is amended by adding the following subsections:

Written alternative

(1.2) A provincial offences officer may lay an information without swearing an oath by,

- (a) delivering the information in the prescribed form to a justice; and
- (b) making a written statement that all matters contained in the information are true to the officer’s knowledge and belief and delivering the statement to the justice together with the information.

Receipt of information laid

(1.3) The justice shall receive an information laid in accordance with subsection (1) or (1.2).

Commencement

2 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 34 SECURITIES ACT

1 (1) Subsection 16 (1) of the *Securities Act* is amended by striking out the portion before clause (a) and substituting the following:

Non-disclosure

(1) Except in accordance with subsection (1.1) or section 17, no person or company shall disclose at any time,

(2) Section 16 of the Act is amended by adding the following subsection:

Exceptions

(1.1) A disclosure by a person or company is permitted if,

- (a) the disclosure is to the person's or company's counsel; or
- (b) the disclosure is to the person's or company's insurer or insurance broker, and the person or company, or his, her or its counsel,
 - (i) gives written notice of the intended disclosure to a person appointed by the order under section 11 at least 10 days before the date of the intended disclosure,
 - (ii) includes in that written notice the name and head office address of the insurer or insurance broker and the name of the individual acting on behalf of the insurer or insurance broker to whom the disclosure is intended to be made, as applicable, and
 - (iii) on making the disclosure, advises the insurer or insurance broker that the insurer or insurance broker is bound by the confidentiality requirements in subsection (2) and obtains a written acknowledgement from the insurer or insurance broker of this advice.

(3) Subsection 16 (2) of the Act is amended by striking out "as permitted under section 17" at the end and substituting "in accordance with subsection (1.1) or section 17".

2 Section 109 of the Act is repealed.

3 Subsection 143.2 (5) of the Act is amended by adding the following clause:

(b.1) the rule is a rule made under clause 143.11 (3) (b) extending a class order exemption;

4 Section 143.11 of the Act is repealed and the following substituted:

General orders

143.11 (1) The Commission shall not make any orders or rulings of general application.

Class order exemptions

(2) Despite subsection (1), if the Commission considers that it would not be prejudicial to the public interest to do so, the Commission may, on application by an interested person or company or on its own initiative, make an order exempting a class of persons or companies, trades, intended trades, securities or derivatives from any requirement of Ontario securities law on such terms or conditions as may be set out in the order.

Duration of class order exemption

(3) If an order is made under subsection (2),

- (a) the order has no effect as of 18 months after the day on which it comes into force unless extended under clause (b); and
- (b) the Commission may make a rule in accordance with sections 143.3 to 143.6 extending the order for a further period of up to 18 months.

Public notice

(4) On or before the day on which an order described in subsection (2) is effective, the Commission shall publish a notice in its Bulletin that includes a description of the order, the reasons for it and the day on which it ceases to have effect.

Legislation Act, 2006, Part III

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

Commencement

5 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 35
SHORTLINE RAILWAYS ACT, 1995

1 Section 24 of *Shortline Railways Act, 1995* is repealed and the following substituted:

Power to do things electronically

24 (1) Anything that the Minister, the Ministry of Transportation or the registrar is required or authorized to do or to provide under this Act may be done or provided by electronic means or in an electronic format.

Same

(2) Anything that any person is required or authorized to do or to provide to the Minister, the Ministry of Transportation or the registrar under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Ministry.

Commencement

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

SCHEDULE 36
SUPPLEMENTARY INTERIM APPROPRIATION FOR 2019-2020 ACT, 2019

Interpretation

1 Expressions used in this Act have the same meaning as in the *Financial Administration Act* unless the context requires otherwise.

Additional amounts to be paid or recognized

2 All amounts authorized under sections 3, 4 and 5 to be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses or non-cash investments are in addition to the amounts authorized to be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses or non-cash investments under sections 2, 3 and 4 of the *Interim Appropriation for 2019-2020 Act, 2018*.

Expenses of the public service

3 Pending the voting of supply for the fiscal year ending on March 31, 2020, amounts not exceeding a total of \$29,026,709,800 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

Investments of the public service

4 Pending the voting of supply for the fiscal year ending on March 31, 2020, amounts not exceeding a total of \$78,494,300 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

Expenses of the Legislative Offices

5 Pending the voting of supply for the fiscal year ending on March 31, 2020, amounts not exceeding a total of \$96,594,600 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for.

Charge to proper appropriation

6 All expenditures made or recognized under this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2020.

Commencement

7 The Act set out in this Schedule is deemed to have come into force on April 1, 2019.

Short title

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

SCHEDULE 37
SUPPLY CHAIN MANAGEMENT ACT (GOVERNMENT, BROADER PUBLIC SECTOR
AND HEALTH SECTOR ENTITIES), 2019

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PURPOSES AND DEFINITIONS

Purposes

1 The following are the purposes of this Act:

1. To enhance supply chain management in respect of government entities, broader public sector entities and health sector entities.
2. To establish a framework for regulating supply chain management, including procurement, in respect of such entities.
3. To leverage the buying power of such entities.
4. To set out roles and responsibilities for supply chain management, including procurement.

Definitions

2 In this Act,

“broader public sector entity” means,

- (a) a board as defined in subsection 1 (1) of the *Education Act*,
- (b) a post-secondary educational institution in Ontario that receives regular operating funding directly from the Government of Ontario,
- (c) an agency designated as a children’s aid society under subsection 34 (1) of the *Child, Youth and Family Services Act, 2017*,
- (d) a corporation controlled by one or more broader public sector entities that exists solely or primarily for the purpose of purchasing goods or services for the broader public sector entity or broader public sector entities, and

(e) any other persons or entities prescribed for the purposes of this definition; (“entité parapublique”)

“FIPPA or MFIPPA institution” means an entity that is either,

- (a) an institution as defined in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act*, or
- (b) an institution as defined in subsection 2 (1) of the *Municipal Freedom of Information and Protection of Privacy Act*; (“institution visée par une des lois sur l’accès à l’information”)

“government entity” means,

- (a) the Crown in right of Ontario, including any ministry of the Government of Ontario,
- (b) a public body within the meaning of the *Public Service of Ontario Act, 2006*,
- (c) the Independent Electricity System Operator, and
- (d) Ontario Power Generation Inc. and each of its subsidiaries; (“entité gouvernementale”)

“health sector entity” means,

- (a) a person or entity that receives funding from a government entity to provide or support the provision of health services and is prescribed for the purposes of this definition, and
- (b) a corporation controlled by one or more persons or entities mentioned in clause (a) that exists solely or primarily for the purpose of purchasing goods or services for those persons or entities and is prescribed for the purposes of this definition; (“entité du secteur de la santé”)

“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”)

“personal information” means personal information as defined in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act* and subsection 2 (1) of the *Municipal Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“prescribed” means prescribed by regulation; (“prescrit”)

“regulation” means a regulation under this Act; (“règlement”)

“supply chain management” means the broad range of activities related to the procurement of goods and services, including,

- (a) planning and sourcing,
- (b) setting standards and specifications,
- (c) conducting market research,
- (d) developing procurement policy,
- (e) determining procurement methodologies,
- (f) coordinating and conducting procurements,
- (g) controlling logistics and inventory,
- (h) managing information systems,
- (i) coordinating the actions of government entities, broader public sector entities, health sector entities and supply chain management entities and furthering those entities’ collaboration,
- (j) overseeing resources,
- (k) arranging project financing,
- (l) managing contracts and relationships,
- (m) receiving and responding to complaints,
- (n) disposing of surplus assets, and
- (o) carrying out a prescribed activity; (“gestion de la chaîne d’approvisionnement”)

“supply chain management entity” means an entity designated under section 6 or a corporation incorporated under section 7. (“entité de gestion de la chaîne d’approvisionnement”)

OBLIGATIONS OF GOVERNMENT, BPS AND HEALTH SECTOR ENTITIES

Supply chain management

3 A government entity, broader public sector entity or health sector entity shall comply with regulations governing how it carries out supply chain management.

Vendor performance standards and practices

4 A government entity, broader public sector entity or health sector entity shall comply with regulations requiring it to implement specified vendor performance standards and practices.

Reporting requirements

5 A government entity, broader public sector entity or health sector entity shall comply with regulations requiring it to report with respect to supply chain management and vendor performance.

SUPPLY CHAIN MANAGEMENT ENTITIES

Designation of entity

6 (1) The Lieutenant Governor in Council may, by regulation, designate a government entity, broader public sector entity or health sector entity as an entity to provide or support supply chain management on behalf of a different government entity, broader public sector entity or health sector entity.

Object and duty

(2) It is an object and a duty of a designated entity to provide or support supply chain management on behalf of the different entity, in addition to any prescribed object or duty.

Creation of corporation

7 (1) The Lieutenant Governor in Council may, by regulation, incorporate one or more corporations without share capital that have as their object and duty providing or supporting supply chain management on behalf of government entities, broader public sector entities or health sector entities, in addition to any prescribed object or duty.

Corporate and financial matters

(2) The regulation may provide for any of the corporate and financial matters set out in the Schedule.

Protection from personal liability

8 (1) A regulation under section 6 or 7 may provide that no action or other civil proceeding, including any arbitral, administrative or court proceeding, may be commenced against a current or former member, director, officer, employee or agent of the supply chain management entity for,

- (a) any act done in good faith in the exercise or performance or intended exercise or performance of a power or duty under this Act or the regulations; or
- (b) any neglect or default in the exercise or performance in good faith of such a power or duty.

Liability of supply chain management entity

(2) A regulation under subsection (1) does not relieve the supply chain management entity of liability to which it would otherwise be subject.

Required contractual terms limiting liability

9 A regulation under section 6 or 7 may,

- (a) require the supply chain management entity to include in specified contracts or classes of contracts specified terms limiting the liability of the supply chain management entity or of a current or former member, director, officer, employee or agent of the supply chain management entity, subject to any prescribed exceptions; and
- (b) deem specified contracts or classes or contracts entered into by the supply chain management entity after the regulation comes into force to include those terms.

Fees

10 (1) A regulation under section 6 or 7 may authorize the supply chain management entity to, subject to the approval of the Minister, set fees or charges relating to any object or duty of the supply chain management entity under this Act or the regulations, which may include,

- (a) a service fee;
- (b) a membership fee;
- (c) a subscription fee;

- (d) a proprietary charge; and
- (e) any prescribed fee or charge.

Money appropriated by the Legislature

(2) A fee or charge under subsection (1) that is payable out of the Consolidated Revenue Fund shall be paid out of the money appropriated for the relevant purposes by the Legislature.

INFORMATION

Personal information

11 (1) A government entity, broader public sector entity or health sector entity that is a FIPPA or MFIPPA institution shall comply with the regulations authorizing, requiring or governing the collection of personal information, directly or indirectly, for the purposes of ensuring compliance with the regulations referred to in sections 4 and 5.

Limits on collection, use and disclosure

(2) The entity shall not collect, use or disclose personal information if other information will serve the purpose of the collection, use or disclosure.

Same

(3) The entity shall not collect, use or disclose more personal information than is reasonably necessary to meet the purpose of the collection, use or disclosure.

Notice required by s. 39 (2) of FIPPA or s. 29 (2) of MFIPPA

(4) If the entity collects personal information indirectly under subsection (1), without limiting the entity's ability to give notice in other ways,

- (a) the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*, if it applies to the entity, may be given by a public notice posted on the entity's website; or
- (b) the notice required by subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*, if it applies to the entity, may be given by a public notice posted on the entity's website.

Commercial information, etc.

12 A disclosure of information in compliance with the regulations referred to in sections 4 and 5 is deemed not to contravene the provisions of an agreement that purports to restrict or prohibit the disclosure of information.

COMPLIANCE

Deemed part of agreement

13 Every obligation of a broader public sector entity or health sector entity under this Act is deemed to be an obligation it is required to comply with under the terms of every agreement or other funding arrangement between the entity and the Crown in right of Ontario or between the entity and an agency of the Crown in right of Ontario.

Supply chain management contractors

14 A government entity, broader public sector entity or health sector entity that contracts with a third party supply chain manager shall ensure that the contract requires the supply chain manager to comply with any requirement imposed under this Act on the government entity, broader public sector entity or health sector entity, with any necessary modifications.

Withholding funds

15 (1) If a broader public sector entity or health sector entity fails to comply with this Act, the Management Board of Cabinet may require a minister of the Crown to withhold part or all of any amount authorized by law to be paid to that entity.

When amount withheld may be paid

(2) An amount withheld shall be paid only when the entity complies.

Failure continuing past fiscal year end

(3) If the failure to comply continues to the March 31 after the Management Board of Cabinet required the withholding,

- (a) the entity ceases to be entitled to be paid; and
- (b) the amount withheld is part of the Consolidated Revenue Fund.

Public to be protected

(4) The broader public sector entity or health sector entity shall endeavour to minimize any impact of the application of this section on its provision of services to the public.

CROWN LIABILITY

Limitations on remedies

16 (1) No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or adviser to the Crown, as a direct or indirect result of,

- (a) the enactment, operation, administration or repeal of any provision of this Act;
- (b) the making or revocation of any provision of the regulations made under this Act; or
- (c) anything done or not done in accordance with this Act or the regulations made under this Act.

Proceedings barred

(2) No proceeding, including but not limited to any proceeding in contract, restitution, tort, misfeasance, bad faith, trust, fiduciary obligation or otherwise, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or adviser to the Crown.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief, and includes any arbitral, administrative or court proceeding, including a proceeding to enforce a judgment, order or award made by a court, tribunal or arbitrator outside of Canada.

Retrospective effect

(4) Subsections (2) and (3) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force is deemed to have been dismissed, without costs, on the day this subsection came into force.

CONFLICTS

Conflict with MBC directive

17 In the case of a conflict between a regulation made under this Act and a directive made by the Management Board of Cabinet, the regulation prevails.

REGULATIONS

Regulations

18 The Lieutenant Governor in Council may make regulations,

- (a) governing anything that, in this Act, is required or permitted to be prescribed or that is required or permitted to be done by, or in accordance with, the regulations, or as authorized, specified or provided for in the regulations;
- (b) clarifying the meaning of any term or phrase used in this Act that is not defined in this Act;
- (c) exempting an entity from a provision of this Act and setting conditions for the exemption;
- (d) providing for other matters to carry out the purpose of this Act.

AMENDMENT TO THIS ACT

Amendment

19 Paragraph 4 of the Schedule to this Act is amended by striking out “*Corporations Act*” and substituting “*Not-for-Profit Corporations Act, 2010*”.

COMMENCEMENT AND SHORT TITLE

Commencement

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

(2) Section 19 comes into force on the later of the day the Schedule to the Act set out in this Schedule comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force.

Short title

21 The short title of the Act set out in this Schedule is the *Supply Chain Management Act (Government, Broader Public Sector and Health Sector Entities)*, 2019.

SCHEDULE CORPORATE AND FINANCIAL MATTERS

The following are the corporate and financial matters referred to in subsection 7 (2) that a regulation that incorporates a corporation without share capital may provide for:

1. The name of the corporation.
2. The composition of the corporation.
3. Whether the corporation is an agent of the Crown.
4. Whether all or part of the *Corporations Act* and the regulations made under it applies to the corporation.
5. Whether all or part of the *Corporations Information Act* and the regulations made under it applies to the corporation.
6. Whether all or part of other corporate statutes and regulations made under those statutes apply to the corporation.
7. The composition of the board of directors and the appointment and remuneration of directors. As an option, the regulation may authorize the Lieutenant Governor in Council to appoint directors and determine their remuneration.
8. Whether the corporation can direct all or some of its activities towards a charitable purpose.
9. The capacity, rights, powers and privileges of the corporation and any restrictions on them.
10. The appointment and remuneration of the chief executive officer. As an option, the regulation may authorize the Lieutenant Governor in Council to make the appointment and determine the remuneration.
11. The corporation's authority to employ or otherwise engage persons for the proper conduct of its activities. The regulation may provide, instead, that employees may be appointed under Part III of the *Public Service of Ontario Act, 2006*.
12. The appointment of the corporation's auditors.
13. The corporation's authority to establish, acquire, wind up, dispose of or otherwise deal with, in whole or in part, a subsidiary and any restrictions on the corporation's authority. As options, the regulation may prohibit any of these actions or require the prior written consent of the Minister for any of these actions.
14. The corporation's authority to enter into, dissolve or otherwise deal with, in whole or in part, an interest in a partnership (including a limited partnership or a limited liability partnership) and any restrictions on the corporation's authority. As an option, the regulation may require the prior written consent of the Minister for any of these actions.
15. The corporation's authority to establish, acquire, wind up, dispose of or otherwise deal with, in whole or in part, a trust or any other entity and any restrictions on the corporation's authority. As an option, the regulation may require the prior written consent of the Minister for any of those actions.
16. The corporation's authority to borrow, invest funds or manage financial risks. As an option, the regulation may,
 - i. prohibit the corporation from doing so unless the activity is authorized by a by-law that has been approved in writing by the Minister and by the Minister of Finance,
 - ii. provide that the Ontario Financing Authority shall co-ordinate and arrange those activities unless the Minister of Finance, in writing, directs a person other than the Ontario Financing Authority to do so, and
 - iii. provide that the direction may be general or specific and may include terms and conditions that the Minister of Finance considers advisable.
17. The corporation's authority to retain all or part of its assets and revenues outside the Consolidated Revenue Fund, despite Part I of the *Financial Administration Act*, but subject to any prescribed conditions and restrictions.
18. Requirements respecting the accountability of the corporation to the Crown, including the following:
 - i. A requirement to enter into a memorandum of understanding or a performance agreement with the Minister, to submit business plans and financial statements to the Minister in each fiscal year and to give annual reports and other reports to the Minister, as the Minister may require.
 - ii. Requirements respecting inspections, reviews and audits by the Minister or the Minister's delegate.
19. The Minister's authority to issue policies and directives to the corporation relating to the exercise of its powers or the performance of its duties and the board of directors' duty to ensure that the policies and directives are implemented promptly and efficiently.

20. The winding up and dissolution of the corporation and the transfer of its assets, liabilities, rights and obligations.
21. Any other matters that the Lieutenant Governor in Council considers necessary or advisable.

SCHEDULE 38
TAXATION ACT, 2007

1 Clause 19.1 (a.2) of the *Taxation Act, 2007* is repealed and the following substituted:

- (a.2) 25.195 per cent of any amount required under subparagraph 82 (1) (b) (i) of the Federal Act to be included in computing the individual's income for the year, if the year ends after December 31, 2018 and before January 1, 2020;
- (a.3) 22.895 per cent of any amount required under subparagraph 82 (1) (b) (i) of the Federal Act to be included in computing the individual's income for the year, if the year ends after December 31, 2019; and

2 Subsection 31 (4) of the Act is amended by striking out “and” at the end of clause (c) and by repealing clause (d) and substituting the following:

- (d) 8 per cent multiplied by the ratio of the number of days in the taxation year that are after December 31, 2017 and before January 1, 2020 to the total number of days in the taxation year; and
- (e) 8.3 per cent multiplied by the ratio of the number of days in the taxation year that are after December 31, 2019 to the total number of days in the taxation year.

Commencement

3 This Schedule comes into force on January 1, 2020.

**SCHEDULE 39
TOBACCO TAX ACT**

1 (1) Section 2.2 of the *Tobacco Tax Act* is amended by adding the following subsection:

Possession of unused marker

(10.2) No person shall possess a marker referred to in clause 2.4 (1) (b) or (2) (b) that is issued by the Minister but is not affixed to a bale or package, unless,

- (a) the person is the holder of a registration certificate issued under section 2.2 or 7 and the marker was issued by the Minister for the sole use of that person; or
- (b) the person is delivering the marker on behalf of the Minister to a person referred to in clause (a).

(2) Subsection 2.2 (16.3) of the Act is amended by striking out “subsection (10.1)” and substituting “subsection (10.1) or (10.2)”.

(3) Subsection 2.2 (16.4) of the Act is amended by striking out “subsection (10.1)” in the portion before clause (a) and substituting “subsection (10.1) or (10.2)”.

2 (1) Section 11 of the Act is amended by adding the following subsections:

Suspension

(4.1) The Minister may immediately suspend a person’s registration certificate or permit issued to the person under this Act or the regulations if the Minister has reasonable grounds to believe that the person has not engaged, for a period of at least six consecutive months, in the activity for which the registration certificate or permit was issued.

Same, notice

(4.2) If a person’s registration certificate or permit is suspended under subsection (4.1), the Minister shall notify the person in writing of the suspension.

Same, cancellation

(4.3) A registration certificate or permit suspended under subsection (4.1) is cancelled on the day that is 180 days after service of the notice under subsection (4.2) unless the person requests a hearing before that day to show why the registration certificate or permit should not be cancelled.

(2) Subsection 11 (5) of the Act is amended by striking out “subsection (1), (2) or (4)” and substituting “subsection (1), (2), (4) or (4.2)”.

3 Section 19 of the Act is amended by adding the following subsections:

Exception, waiver of limitation

(12) Despite subsection (11), the Minister may assess a penalty under subsection (2) against a person at any time if the person has filed with the Minister a waiver in a form approved by the Minister within four years after the date the tax should have been collected.

Revocation of waiver

(13) If a person files a waiver under subsection (12), the person may file a notice of revocation of the waiver in a form approved by the Minister.

Effect of revocation

(14) If a person files a notice of revocation of the waiver under subsection (13), the Minister shall not assess a penalty under subsection (2) in reliance on the waiver more than one year after the date on which the notice of revocation is filed.

4 Clause 23.0.2 (1) (a) of the Act is repealed and the following substituted:

- (a) that the tobacco has been brought into Ontario or has been purchased, sold, offered for sale, kept for sale, transported or delivered in contravention of section 2.3;
- (a.1) that the tobacco is being offered for sale or kept for sale in contravention of section 2.3; or

5 Clause 29.1 (2.3) (a) of the Act is repealed.

Commencement

6 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.

SCHEDULE 40
TORONTO STOCK EXCHANGE ACT

1 The *Toronto Stock Exchange Act* is repealed.

Commencement

2 This Schedule comes into force on the day the *Plan to Build Ontario Together Act, 2019* receives Royal Assent.