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Bill 184

An Act to amend the Building Code Act, 1992, the Housing Services Act, 2011 and the Residential Tenancies Act, 2006 and to enact the Ontario Mortgage and Housing Corporation Repeal Act, 2020

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading March 12, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 BUILDING CODE ACT, 1992

Amendments are made to the *Building Code Act, 1992* to permit the Lieutenant Governor in Council to designate a not-for-profit corporation as the administrative authority. If an administrative authority is designated, the administration of specified provisions of the Act and the regulations made under the Act is delegated to the authority, and the authority is required to carry out the administration of the delegated provisions.

The amendments include mechanisms for government oversight, including requirements for an administrative agreement between the administrative authority and the Minister, annual and other reports by the authority, competency criteria for board members and oversight by the Auditor General.

The administrative authority is not an agent of the Crown. Employees of the authority are not Crown employees. There is no Crown liability for actions of the authority and the authority is required to indemnify the Crown for damages or costs.

The administrative authority is able to set forms and fees in accordance with processes and criteria approved by the Minister.

If the administration of any of the provisions of the Act is delegated to the administrative authority, the board of directors of the authority must appoint a director. Depending on which provisions are delegated, the board of directors may be required to appoint a chief building inspector or a licensing registrar, or both.

The Lieutenant Governor in Council may make regulations that are necessary or desirable for the administrative authority to administer the delegated provisions.

Various complementary amendments are made to section 1 (Definitions).

SCHEDULE 2 HOUSING SERVICES ACT, 2011

The Schedule amends the *Housing Services Act, 2011*.

New Part II.1 of the Act requires a service manager to ensure that assistance related to housing is provided in its service area in accordance with the regulations made under the Act. The Part also requires a service manager to have an access system for providing assistance related to housing in its service area. The access system must comply with the prescribed requirements.

Currently, a service manager may make local eligibility rules for rent-geared-to-income assistance with respect to matters prescribed by the regulations. The Schedule requires service managers to make such rules with respect to prescribed matters, and allows them to make additional such rules with respect to other prescribed matters.

Sections 40 and 41 of the Act are repealed.

Currently, certain provisions of the Act apply in respect of designated housing projects. There is no explicit process under the Act for a housing project to cease to be a designated housing project. The Schedule provides that a housing project ceases to be a designated housing project if the housing provider and service manager have entered into an exit agreement and certain other criteria are met, or if the designated housing project becomes a Part VII.1 housing project under new Part VII.1 of the Act.

New Part VII.1 sets out rules for a housing project to become a Part VII.1 housing project, including that the housing provider and service manager have entered into a service agreement. Rules are set out for how a service agreement can be amended, replaced or terminated.

The Minister may issue directives with respect to the administration of Part VII.1 housing projects by service managers, the operation of such housing projects by housing providers and the governance of housing providers that operate such housing projects.

A service manager must maintain a list of the Part VII.1 housing projects in its area. The Minister must maintain a list of all Part VII.1 housing projects.

Rules are set out for how a housing project ceases to be a Part VII.1 housing project, including that the housing provider and service manager have entered into an exit agreement.

Regulation-making authority for transitional matters is set out.

SCHEDULE 3 ONTARIO MORTGAGE AND HOUSING CORPORATION REPEAL ACT, 2020

The *Ontario Mortgage and Housing Corporation Repeal Act, 2020* is enacted.

Section 2 dissolves the Ontario Mortgage and Housing Corporation and transfers its assets, liabilities, rights and obligations to the Crown.

Section 4 provides for the sale or other disposal of real property of the Corporation that is transferred to the Crown. Section 5 gives the Minister the power, by order, to transfer such real property to a municipality where the property is located.

Sections 6 and 7 provide for the final audit and annual report of the Corporation.

Section 8 provides for the repeal of the *Ontario Mortgage and Housing Corporation Repeal Act, 2020*.

Section 9 provides for the repeal of the *Ontario Mortgage and Housing Corporation Act*.

Sections 10 to 13 provide for related amendments to other Acts.

SCHEDULE 4 RESIDENTIAL TENANCIES ACT, 2006

The Schedule amends the *Residential Tenancies Act, 2006*. The amendments include the following:

New exemption from Act

Under new section 5.2 of the Act, a rental unit that is a site on which a land lease home is located is exempt from the Act if the unit is owned by an employer and is provided to an employee in connection with their employment.

Compensation for tenant

Under new section 49.1, a landlord who gives a notice of termination of the tenancy to a tenant on behalf of a purchaser under section 49 is required to compensate the tenant in an amount equal to one month's rent or to offer the tenant another rental unit acceptable to the tenant.

Currently, under section 52 and subsections 54 (1) and (2), a landlord is required to compensate a tenant if the landlord gives a notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use or for the purpose of repairs or renovations, provided that the residential complex in which the rental unit is located contains at least five residential units. Subsections 52 (2) and 54 (3) and (4) are added to also impose an obligation to compensate the tenant if the residential complex contains fewer than five residential units.

Currently, under section 57, the Board may make various orders if, on application by a former tenant, the Board determines that a landlord has given a notice of termination in bad faith. The section is amended to permit the Board to make an order requiring the landlord to pay a specified sum to the former tenant as general compensation in an amount not exceeding the equivalent of 12 months of the last rent charged to the former tenant.

Applications for order terminating tenancy under s. 69

New section 71.1 sets out requirements a landlord must comply with when filing an application under section 69 for an order terminating a tenancy and evicting a tenant that is based on a notice of termination given under certain sections. Under new subsection 71.1 (1), the affidavit required in respect of an application based on a notice under section 48 (Notice, landlord personally, etc., requires unit) or section 49 (Notice, purchaser personally requires unit) must be filed at the same time as the application. Under new subsection 71.1 (3), the landlord must indicate in the application whether or not the landlord has, within two years prior to filing the application, given any other notice of termination under section 48, 49 or 50 (Notice, demolition, conversion or repairs) and must, with respect to each notice, set out the specified information in the application.

Under new subsections 72 (3) and 73 (2), the Landlord and Tenant Board, in determining the good faith of the landlord or the purchaser in an application under section 69 that is based on a notice of termination given under section 48, 49 or 50, may consider any evidence the Board considers relevant that relates to the landlord's or purchaser's previous use of notices of termination under those sections.

Tenant issues in s. 69 application for non-payment of rent

Currently, under subsection 82 (1), at a hearing of an application under section 69 that is based on a notice of termination under section 59 (non-payment of rent), the tenant may raise any issue that could be the subject of an application made by the tenant under the Act. Under section 82, as re-enacted, a tenant may do so if the tenant complies with specified requirements (including giving of advance written notice of intent to raise the issue) or provides an explanation satisfactory to the Board explaining why the requirements could not be met.

Applications by landlord for compensation

Currently, under sections 87 and 89, an application for arrears of rent, for compensation for the use and occupation of a rental unit by an overholding tenant or for compensation for damage to the rental unit may be made only if the tenant is in possession of the unit. Sections 87 and 89 are amended to provide that such applications may be made while the tenant is in possession of the unit or no later than one year after the tenant or former tenant ceased to be in possession of the unit.

Under new section 88.1, a landlord may make an application for compensation for interference with the reasonable enjoyment of the residential complex or with another lawful right, privilege or interest of the landlord and, under new section 88.2, a landlord may make an application for compensation for failure to pay utility costs that a tenant or former tenant was required to pay. Such applications may be made while the tenant is in possession of the unit or no later than one year after the tenant or former tenant ceased to be in possession of the unit.

Section 189.0.1 is added to provide that if, at the time a landlord makes any of the applications described above, the tenant or former tenant is no longer in possession, the landlord must give the tenant or former tenant a copy of the application and a copy of any notice of hearing issued by the Board and must, in specified circumstances, file with the Board a certificate of service on the tenant or former tenant.

Rent increase deemed not void

New section 135.1 deals with increases in rent that would otherwise be void as a result of a landlord's failure to give at least 90 days' written notice of the landlord's intention to increase the rent. Under subsections 135.1 (1) and (2), the increase in rent is deemed not to be void if the tenant has paid the increased rent in respect of each rental period for at least 12 consecutive months, provided the tenant has not, within one year after the date the increase is first charged, made an application in which the validity of the rent increase is in issue.

Mobile home parks and land lease communities

Under new section 165.1, if a landlord of a mobile home park or land lease community charges a tenant under the terms of a written agreement for any prescribed services and facilities, and if the prescribed circumstances apply, the prescribed services and facilities shall not be considered services and facilities that fall within the definition of "rent" that applies for the purposes of the Act.

Current section 167 sets out a special rule for above guideline rent increases in mobile home parks and land lease communities relating to capital expenditures for infrastructure work required by a government. Section 167 is amended to provide that the special rule applies regardless of whether the infrastructure work is required by a government. Section 167 is also amended to provide that any determination by the Board of how the increase may be taken must be done in accordance with the prescribed rules.

Mediation or other dispute resolution process

Currently, under subsection 194 (1), the Board may attempt to mediate a settlement of any matter that is the subject of an application or agreed upon by the parties if the parties consent to the mediation. Subsection 194 (1), as re-enacted, provides that the Board may attempt to settle any such matter through mediation or another dispute resolution process if the parties consent to participating in the mediation or other dispute resolution process.

Agreement to settle matter

Subsection 206 (3) is re-enacted and subsection 206 (3.1) is added to allow the Board to include in an order under subsection 206 (1) a provision allowing a landlord to make an application under section 78 if the tenant fails to comply with one or more of the terms specified in the order.

Production order

Under new section 231.1, a provincial judge or a justice of the peace may, if the specified requirements are met, issue a production order to a person, other than a person under investigation for an offence, requiring the person to produce documents, copies of documents or data or prepare a document based on documents or data already in existence and produce it.

Penalties

The maximum fines of \$25,000 (in the case of a person other than a corporation) and \$100,000 (in the case of a corporation) set out in subsections 238 (1) and (2) are increased to \$50,000 and \$250,000, respectively.

Transitional provisions and regulation-making powers

Several amendments are made to the regulation-making powers set out in sections 241 and 241.1. In addition to various transitional provisions added to the Act, section 241.3 is added to give the Lieutenant Governor in Council the power to make regulations governing transitional matters.

**An Act to amend the Building Code Act, 1992, the
Housing Services Act, 2011 and the Residential Tenancies Act, 2006 and to enact the
Ontario Mortgage and Housing Corporation Repeal Act, 2020**

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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 of its 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 *Protecting Tenants and Strengthening Community Housing Act, 2020*.

**SCHEDULE 1
BUILDING CODE ACT, 1992**

1 (1) Subsection 1 (1) of the *Building Code Act, 1992*, is amended by adding the following definitions:

“administrative agreement” means the agreement described in subsection 30.3 (1); (“accord d’application”)

“administrative authority” means the corporation designated by regulation under clause 30.1 (1) (a); (“organisme d’application”)

“delegated provisions” means the provisions of this Act and the regulations whose administration is delegated to the administrative authority under clause 30.1 (1) (b), subject to any restrictions imposed under subsection 30.1 (2); (“dispositions déléguées”)

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

(3) The definition of “principal authority” in subsection 1 (1) of the Act is amended by adding the following clause:

(a.1) the administrative authority,

(4) Subsection 1 (1.3) of the Act is repealed and the following substituted:

Chief building official

(1.3) A reference to the “chief building official” in this Act, other than in subsection 1 (1) and sections 3 and 4, includes,

(a) an inspector who has the same powers and duties as the chief building official,

(i) in relation to sewage systems by virtue of subsection 3.1 (3) or 6.2 (4), and

(ii) in relation to plumbing by virtue of subsection 6.1 (5); and

(b) a chief building inspector and assistant chief building inspector appointed under subsection 30.31 (1).

Inspector

(1.4) A reference to an “inspector” in this Act, other than in subsection 1 (1) and sections 3 and 4 includes an inspector appointed under section 30.31.

Director

(1.5) A reference to the “director”,

(a) in sections 2, 4, 15.14, 15.20, 28.1, 29, 31 and 34 and the regulations made under section 34 means the person appointed as director under subsection 2 (2); and

(b) in sections 30.31, 30.32 and 30.33 and the regulations made under section 30.38 means the person appointed as director under subsection 30.33 (1).

2 The Act is amended by adding the following sections:

BUILDING SERVICES ADMINISTRATIVE AUTHORITY

DELEGATION

Delegation to designated administrative authority

30.1 (1) If the requirements of section 30.2 and subsection 30.3 (1) are met, the Lieutenant Governor in Council may, by regulation,

(a) designate a corporation as the administrative authority for the purposes of this Act; and

(b) subject to subsection (3), delegate the administration of specified provisions of this Act and the regulations to the administrative authority.

Restrictions

(2) A delegation described in clause (1) (b) may be restricted to specified aspects or purposes of the specified provisions.

Excepted provisions

(3) Sections 23 to 26 and 30 to 36 shall not be delegated to the administrative authority.

Corporation

30.2 A corporation may be designated as the administrative authority only if it is a not-for-profit corporation without share capital and it is incorporated under the laws of Ontario.

Administrative agreement

30.3 (1) A regulation may be made under subsection 30.1 (1) only if the Minister and the corporation have entered into an administrative agreement with respect to the delegated provisions.

Contents

(2) The administrative agreement shall include all matters that the Minister considers necessary for delegating the administration of the delegated provisions to the administrative authority, including, at a minimum,

- (a) requirements relating to the governance of the administrative authority;
- (b) requirements with which the administrative authority shall comply in connection with the administration of the delegated provisions, including a requirement that the administrative authority obtain adequate insurance against liability arising out of that administration; and
- (c) the financial terms of the delegation, including payments to the Crown, licence fees, royalties and reimbursements for transfer of assets.

Promoting public interest

(3) The administrative agreement shall require the administrative authority to promote the protection of the public interest.

Amendment by Minister

(4) Subject to section 30.9, the Minister may unilaterally amend the administrative agreement, after giving the administrative authority the notice that the Minister considers reasonable in the circumstances.

Policy directions

30.4 (1) Subject to section 30.9, the Minister may issue policy directions to the administrative authority relating to its administration of the delegated provisions after giving the administrative authority the notice that the Minister considers reasonable in the circumstances.

Part of administrative agreement

(2) The policy directions are deemed to form part of the administrative agreement.

Compliance by administrative authority

30.5 (1) The administrative authority shall,

- (a) administer the delegated provisions in accordance with this Act and the administrative agreement; and
- (b) comply with this Act, the regulations, other applicable law and the administrative agreement.

Compliance with orders, directions

(2) If the Minister issues a directive, order or policy direction, the administrative authority shall comply with the directive, order or direction.

Review

30.6 (1) The Minister may,

- (a) require that policy, legislative or regulatory reviews related to the delegated provisions and the administrative agreement be carried out,
 - (i) by or on behalf of the administrative authority, or
 - (ii) by a person or entity specified by the Minister; or
- (b) require that reviews of the administrative authority, of its operations, or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out,
 - (i) by or on behalf of the administrative authority, or
 - (ii) by a person or entity specified by the Minister.

Access to records and information

(2) If a review is carried out under subclause (1) (a) (ii) or (1) (b) (ii), the administrative authority shall give the person or entity specified by the Minister and the person or entity's employees or agents access to all records and other information required to conduct the review.

Conflict

30.7 In the event of conflict, sections 30.1 to 30.37 and the regulations made under section 30.38 prevail over,

- (a) the administrative agreement;

- (b) the administrative authority's constating documents, by-laws and resolutions; and
- (c) the *Corporations Act*, the *Corporations Information Act* or a regulation made under either of those Acts.

Revocation of designation, restriction of delegation

Public interest

30.8 (1) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority made under clause 30.1 (1) (a) or restrict the delegation made under clause 30.1 (1) (b) if the Lieutenant Governor in Council considers it advisable to do so in the public interest.

Non-compliance

(2) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority made under clause 30.1 (1) (a) or restrict the delegation made under clause 30.1 (1) (b) if,

- (a) the administrative authority has failed to comply with this Act, the regulations, other applicable law or the administrative agreement;
- (b) the Minister has given the administrative authority an opportunity to remedy the default within the period that the Minister considered reasonable under the circumstances; and
- (c) the administrative authority has failed to remedy the default to the Minister's satisfaction within that period and the Minister has so advised the Lieutenant Governor in Council.

No restriction on subs. (1)

(3) Nothing in subsection (2) restricts the ability of the Lieutenant Governor in Council to act under subsection (1).

On request

(4) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority and restrict the scope of the delegation on terms that the Lieutenant Governor in Council considers advisable in the public interest if the authority requests the revocation.

Transition

(5) If the Lieutenant Governor in Council revokes the designation of the administrative authority or restricts the scope of the delegation under this section, the Lieutenant Governor in Council may, by regulation, provide for any transitional matter necessary for the effective implementation of the revocation or restriction.

No Crown liability

(6) No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a direct or indirect result of the revocation or restriction of the designation of the administrative authority or any regulation made under subsection (5).

No proceeding

(7) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against the Crown, a minister of the Crown, a Crown employee or a Crown agent by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (6).

Condition precedent for exercise of certain powers

30.9 The Minister may exercise a power under subsections 30.3 (4), 30.4 (1), 30.22 (1) and 30.29 (1) if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to the interests of,
 - i. the public,
 - ii. principal authorities, or
 - iii. chief building officials, inspectors, registered code agencies, designers or other persons referred to in sections 15.11 and 15.12.
2. An event of force majeure has occurred.
3. The administrative authority is insolvent.
4. The number of members of the board of directors of the administrative authority is insufficient for a quorum.

ADMINISTRATIVE AUTHORITY

Board of directors

Criteria and rules

30.10 (1) The Minister may, by order,

- (a) establish competency criteria for members of the board of directors of the administrative authority; and
- (b) establish rules about the nomination of board members, the appointment or election process, the length of their terms and whether they may be reappointed or re-elected.

Eligibility for appointment, etc.

(2) A person is qualified to be appointed or elected to the board of directors only if the person meets any competency criteria established under clause (1) (a).

Conflict

(3) In the event of conflict, an order made under subsection (1) prevails over the administrative authority's constating documents, by-laws and resolutions.

Appointment by Minister

(4) The Minister may appoint one or more board members for a term specified in the appointment, but the Minister cannot appoint sufficient members to form a majority of the board.

Composition

(5) The board members appointed by the Minister may include representatives of the public, government organizations, principal authorities and such other interests as the Minister considers to be appropriate.

Change in number of directors

(6) The Minister may increase or decrease the number of board members.

Appointment of chair

(7) The Minister may appoint a chair of the board from among the board members.

Public access to corporate information

30.11 (1) The administrative authority shall,

- (a) make its corporate by-laws available for public inspection within the time specified in the administrative agreement or, if no time is specified in the agreement, within 10 days after the by-laws are passed by the board; and
- (b) make available to the public the information prescribed by regulation relating to the compensation of board members, officers and employees and relating to any other payments that the administrative authority makes or is required to make to them.

Compensation information, transition

(2) For a board member or officer who is in office on the day this section comes into force, or an individual who is an employee on the day this section comes into force, the regulations may require the disclosure of information relating to compensation for a period that begins before that day.

Effect of compliance

(3) The disclosure of information relating to compensation in accordance with this section, or in the reasonable belief that the disclosure is required by this section, shall not be deemed by any court or person,

- (a) to contravene any Act or regulation enacted or made before or after the coming into force of this section; or
- (b) to be in breach of or contrary to any agreement that purports to restrict or prohibit that action regardless of whether the agreement is made before or after the coming into force of this section.

Processes and procedures

(4) The administrative authority shall follow the processes and procedures prescribed by regulation with respect to providing access to the public to records of the authority and with respect to managing personal information contained in those records.

Employees

30.12 (1) The administrative authority may, subject to the administrative agreement, employ or retain the services of any qualified person to carry out any of its powers or duties relating to the administration of the delegated provisions.

Not Crown employees

(2) The following persons are not employees of the Crown and shall not hold themselves out as such:

1. Persons who are employed or whose services are retained under subsection (1).
2. Members, officers and agents of the administrative authority.
3. Members of the board of directors of the administrative authority, including those appointed by the Minister.

Not Crown agency

30.13 (1) Despite the *Crown Agency Act*, the administrative authority is not an agent of the Crown for any purpose and shall not hold itself out as such.

Same

(2) The following persons are not agents of the Crown and shall not hold themselves out as such:

1. Persons who are employed or whose services are retained under subsection 30.12 (1).
2. Members, officers and agents of the administrative authority.
3. Members of the board of directors of the administrative authority, including those appointed by the Minister.

No personal liability, employee of the Crown

30.14 (1) No action or other proceeding shall be instituted against a current or former employee of the Crown for,

- (a) any act done in good faith in the exercise or performance or intended exercise or performance of a power or duty under sections 30.1 to 30.37 or the regulations made for the purposes of those sections; or
- (b) any neglect or default in the exercise or performance in good faith of such a power or duty.

Tort by employee of the Crown

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by an employee of the Crown to which it would otherwise be subject.

No Crown liability

30.15 (1) No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a direct or indirect result of any act or omission of the administrative authority or its members, officers, directors, employees or agents if the act or omission is related, directly or indirectly, to the exercise or performance or intended exercise or performance of a power or duty under this Act or the regulations.

No proceeding against the Crown

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

Application

(3) Without limiting the generality of subsection (2), that subsection 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 a proceeding to enforce a judgment, order or award made by a court, tribunal or arbitrator outside of Canada.

Revocation

(4) Section 30.14 and subsections (1) to (4) of this section apply, with necessary modifications, in respect of a direct or indirect result of the revocation of a designation under section 30.1 or any regulation made under subsection 30.8 (5).

Indemnification of the Crown

30.16 The administrative authority shall indemnify the Crown, in accordance with the administrative agreement, in respect of damages and costs incurred by the Crown for any act or omission of the administrative authority or its members, officers, directors, employees or agents in the exercise or performance or intended exercise or performance of their powers and duties under this Act, the regulations or the administrative agreement, or for any acts and omissions otherwise connected to sections 30.1 to 30.37, the regulations made for the purposes of those sections or the administrative agreement.

No personal liability, board members and others

30.17 (1) No action or other proceeding shall be instituted against any of the following persons, or someone who was formerly such a person, for 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 any neglect or default in the exercise or performance in good faith of such a power or duty:

1. Members of the board of directors of the administrative authority.

2. Persons who perform functions under this Act or the regulations as employees, agents or officers of the administrative authority or as persons whose services it retains.
3. Members of committees of the administrative authority who perform functions under this Act or the regulations.

Liability of administrative authority

(2) Subsection (1) does not relieve the administrative authority of liability to which it would otherwise be subject in respect of the acts or omissions of a person referred to in subsection (1).

Not public money

30.18 (1) The money the administrative authority collects in carrying out the administration of the delegated provisions is not public money within the meaning of the *Financial Administration Act*.

Same

(2) The administrative authority may use the money described in subsection (1) to carry out activities in accordance with its objects, subject to subsection 30.21 (2).

Audit

30.19 (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of the administrative authority, other than an audit required under the *Corporations Act*.

Access to records and information

(2) When the Auditor General conducts an audit under subsection (1), the administrative authority shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit.

Annual report

30.20 (1) Each year and at any other time the Minister requires, the board of directors of the administrative authority shall report to the Minister on its activities and financial affairs as they relate to this Act and the administrative agreement.

Form and contents

(2) The report shall be in a form that is acceptable to the Minister and shall provide the information that the Minister requires.

Disclosure by board

(3) The board shall publish the report on the administrative authority's website and by any other method within the period and in the manner the Minister requires.

POWERS AND DUTIES OF ADMINISTRATIVE AUTHORITY

Additional powers

30.21 (1) Subject to subsection (2), the administrative authority may carry out other activities in accordance with its objects or purposes, as set out in the authority's letters patent.

Commercial activity

(2) The administrative authority shall not engage in commercial activity through an individual, corporation or entity that is related to the administrative authority, except as permitted by the regulations.

Change to objects or purposes

30.22 (1) Subject to section 30.9, the Minister may require that the administrative authority make a specified change to its objects or purposes.

Same

(2) No change shall be made to the administrative authority's objects or purposes unless the Minister's written approval is obtained in advance.

Right to use French

30.23 (1) A person has the right to communicate in French with, and to receive available services in French, from the administrative authority.

Board to ensure

(2) The board of directors of the administrative authority shall take all reasonable measures and make all reasonable plans to ensure that persons may exercise the right to use French given by this section.

Limitation

(3) The right to use French given by this section is subject to the limits that are reasonable in the circumstances.

Definition

(4) In this section,

“service” means any service or procedure that is provided to the public by the administrative authority in administration of the delegated provisions and includes responding to inquiries from members of the public and any other communications for the purpose of providing the service or procedure.

Consultations

30.24 The Minister may require the administrative authority to do any of the following:

1. Conduct consultations with the public or persons or entities that have relevant experience or knowledge on any matter that the Minister specifies related to this Act or the building code.
2. Advise or report to the Minister on any matter related to,
 - i. an advisory council established under section 30.25,
 - ii. this Act or the building code, or
 - iii. the administrative authority’s objects or purposes as set out in the authority’s letters patent.

Advisory council, advisory process

30.25 The Minister may require the administrative authority to,

- (a) establish one or more advisory councils;
- (b) include as members of an advisory council representatives of principal authorities, professional engineers, architects and such other persons as the Minister considers appropriate; and
- (c) undertake an advisory process in which it ensures that the advisory council seeks advice from one or both of the public and persons with experience or knowledge relating to the delegated provisions.

Duty to inform Minister

30.26 The administrative authority shall promptly inform and advise the Minister with respect to,

- (a) any material fact that could affect the administrative authority’s ability to perform its duties under this Act or the regulations;
- (b) any urgent or critical matter that is likely to require action by the Minister to ensure that the administration of the delegated provisions is carried out properly; or
- (c) any failure in construction or demolition standards that could be hazardous to public health or safety, as may be specified in the administrative agreement.

Advice of administrative authority

30.27 The administrative authority shall advise or report to the Minister on any matter that the Minister refers to it and that relates to this Act or the administration of the delegated provisions.

Form and fees

30.28 (1) The administrative authority may,

- (a) establish forms related to the administration of the delegated provisions;
- (b) set and collect fees, costs or other charges related to the administration of the delegated provisions, in accordance with processes and criteria established by the administrative authority and approved by the Minister; and
- (c) make rules governing the payment of fees, costs and charges described in clause (b).

Setting fees

(2) In setting the fees, costs and other charges described in clause (1) (b), the administrative authority may specify their amounts or the method for determining the amounts.

Fees for permits

(3) Without limiting the generality of clause (1) (b), the administrative authority may set and collect fees, costs and other charges in respect of applications for permits in any area of the province even if the administrative authority is not the principal authority with respect to that area.

Agents

(4) The administrative authority may require certain persons or entities to collect the fees, costs or other charges described in subsection (3) as agents for the administrative authority.

Publication of fee schedule

- (5) The administrative authority,
- (a) shall publish the fees, costs and charges, the processes and criteria and the rules on its website and in any other way described in the administrative agreement; and
 - (b) may publish them in any other format the administrative authority considers advisable.

MISCELLANEOUS

Administrator

30.29 (1) Subject to section 30.9, the Minister may, by order, appoint an individual as an administrator of the administrative authority for the purposes of assuming control of it and responsibility for its activities.

Notice of appointment

(2) The Minister shall give the administrative authority's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

Immediate appointment

(3) Subsection (2) does not apply if there are not enough members on the board to form a quorum.

Term of appointment

(4) The appointment of the administrator is valid until the Minister makes an order terminating it.

Powers and duties of administrator

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the members of the board of directors, officers and members of the administrative authority.

Same

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them.

Right of access

(7) The administrator has the same rights as the board in respect of the administrative authority's documents, records and information.

Report to Minister

(8) The administrator shall report to the Minister as the Minister requires.

Minister's directions

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out.

No personal liability

- (10) No action or other proceeding shall be instituted against the administrator or a former administrator for,
- (a) any act done in good faith in the exercise or performance or intended exercise or performance of a power or duty under sections 30.1 to 30.37 or the regulations made for the purposes of those sections; or
 - (b) any neglect or default in the exercise or performance in good faith of such a power or duty.

Crown liability

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of delegated administrative authority

(12) Subsection (10) does not relieve the administrative authority of liability to which it would otherwise be subject.

Status of board during administrator's tenure

30.30 (1) On the appointment of an administrator under section 30.29, the members of the board of the administrative authority cease to hold office, unless the order provides otherwise.

Same

(2) During the term of the administrator's appointment, the powers of any member of the board who continues to hold office are suspended, unless the order provides otherwise.

No personal liability

(3) No action or other proceeding shall be instituted against a member or former member of the board for anything done by the administrator or the administrative authority after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

Crown liability

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of administrative authority

(5) Subsection (3) does not relieve the administrative authority of liability to which it would otherwise be subject.

Chief building inspector, assistant chief building inspectors and inspectors**Appointment**

30.31 (1) If the administration of any provisions of this Act and the regulations, other than those relating to registration and qualification referred to in section 30.32, is delegated to the administrative authority, the board of directors of the authority shall appoint a chief building inspector and may appoint one or more assistant chief building inspectors and such inspectors as are necessary for the enforcement of this Act in the areas in which the administrative authority has jurisdiction.

Restrictions

(2) A person appointed as the licensing registrar or an assistant licensing registrar under section 30.32 or as the director or an assistant director under section 30.33 shall not be appointed as the chief building inspector, an assistant chief building inspector or an inspector.

Certificate of appointment

(3) The administrative authority shall issue to the chief building inspector and every assistant chief building inspector and inspector a certificate of appointment.

Powers and duties

(4) The chief building inspector and every assistant chief building inspector and inspector shall exercise the powers and perform such duties as may be assigned by the administrative authority, this Act or the regulations.

Assistant chief building inspector to act as chief building inspector

(5) Subject to subsection (6), an assistant chief building inspector shall act as the chief building inspector in the chief building inspector's absence.

Same, if more than one assistant chief building inspector

(6) If more than one assistant chief building inspector is appointed, only one assistant chief building inspector may act at one time as the chief building inspector.

Limitation on authority

(7) The administrative authority may, in the appointment of an assistant chief building inspector or an inspector, limit the authority of the assistant chief building inspector or the inspector in such manner as the authority considers necessary or advisable.

Licensing registrar, assistant licensing registrars**Appointment**

30.32 (1) If the administration of any of the following provisions is delegated to the administrative authority, the board of directors of the authority shall appoint a licensing registrar and may appoint one or more assistant licensing registrars for the purpose of those delegated provisions:

1. Section 15.11, 15.12 or 15.13.
2. A provision of the building code, as may be prescribed by regulation, related to the qualifications and registration of persons described in sections 15.11 and 15.12 and the requirement in section 15.13 for insurance coverage.

Restrictions

(2) A person appointed as the chief building inspector, an assistant chief building inspector or inspector under section 30.31 or as the director or an assistant director under section 30.33 shall not be appointed as the licensing registrar or an assistant licensing registrar.

Powers and duties

(3) The licensing registrar and every assistant licensing registrar shall exercise the powers and perform such duties as may be assigned by the administrative authority, this Act or the regulations.

Assistant licensing registrar to act as licensing registrar

(4) Subject to subsection (5), an assistant licensing registrar shall act as the licensing registrar in the licensing registrar's absence.

Same, if more than one assistant licensing registrar

(5) If more than one assistant licensing registrar is appointed, only one assistant licensing registrar may act at one time as the licensing registrar.

Director, assistant directors**Appointment**

30.33 (1) If the administration of any provisions of this Act and the regulations is delegated to the administrative authority, the board of directors of the authority shall appoint a director and may appoint one or more assistant directors for the purpose of those delegated provisions.

Restrictions

(2) A person appointed as the chief building inspector, an assistant chief building inspector or inspector under section 30.31 or as the licensing registrar or an assistant licensing registrar under section 30.32 shall not be appointed as the director or an assistant director.

Powers and duties

(3) The director and every assistant director shall exercise the powers and perform such duties as may be assigned by the administrative authority, this Act or the regulations.

Assistant director to act as director

(4) Subject to subsection (5), an assistant director shall act as the director in the director's absence.

Same, if more than one assistant director

(5) If more than one assistant director is appointed, only one assistant director may act at one time as the director.

Who may be appointed

30.34 A person shall not be appointed under section 30.31, 30.32 or 30.33 unless the person is an employee of the administrative authority.

Appointments in writing

30.35 Appointments under sections 30.31, 30.32 and 30.33 shall be made in writing.

Status as officer

30.36 A person appointed under section 30.31, 30.32 or 30.33 is an officer of the administrative authority.

Offences, administrative authority

30.37 (1) If the administrative authority contravenes this Act or the regulations, the authority is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues.

Individuals

(2) A member of the board of directors, officer, employee or agent of the administrative authority who contravenes this Act or the regulations is guilty of an offence.

Parties to offences

(3) A member of the board of directors or officer of the administrative authority is guilty of an offence if he or she,

- (a) causes, authorizes, permits or participates in the commission by the administrative authority of an offence mentioned in subsection (1); or
- (b) fails to take reasonable care to prevent the administrative authority from committing an offence mentioned in subsection (1).

Penalty, individual

(4) A person who is convicted of an offence under subsection (2) or (3) is liable to a fine of not more than \$25,000 for each day or part of a day on which the offence occurs or continues.

Regulations, administrative authority

30.38 (1) The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary or desirable for the administrative authority to administer the delegated provisions.

Same

- (2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,
- (a) respecting anything that in sections 30.1 to 30.37 may or must be prescribed, done or provided for by regulation;
 - (b) requiring the administrative authority to collect and publish statistics on its activities and financial affairs in accordance with the requirements specified in the regulations;
 - (c) governing the disclosure of information for the purposes of clause 30.11 (1) (b) and subsection 30.11 (2);
 - (d) governing the processes and procedures for the purposes of subsection 30.11 (4);
 - (e) governing commercial activities referred to in subsection 30.21 (2) that the administrative authority may engage in through an individual, corporation or other entity, including respecting the manner in which an entity may or may not be related to the authority for the purposes of that subsection;
 - (f) providing for transitional matters arising from the enactment of Schedule 1 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*.

Limited application

- (3) Any regulation made under this section may be limited in its application territorially or to any class of activity, matter, person or thing.

Same

- (4) A class under this Act may be defined with respect to any attribute, quality or characteristic and may be defined to consist of, include or exclude any specified member, whether or not with the same attributes, qualities or characteristics.

3 Clause 30.7 (c) of the Act, as enacted by section 2, is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.

4 Subsection 30.19 (1) of the Act, as enacted by section 2, is amended by striking out “Corporations Act” at the end and substituting “Not-for-Profit Corporations Act, 2010”.

5 Paragraph 17 of subsection 34 (1) of the Act is repealed and the following substituted:

17. requiring the chief building official to prepare, keep and transmit to the director or administrative authority such documents, information, records, returns or reports as are prescribed;

6 Subsection 36 (1) of the Act is amended by adding “other than the administrative authority” after “A person” in the portion before clause (a).

Commencement

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

**SCHEDULE 2
HOUSING SERVICES ACT, 2011**

1 The definition of “designated housing project” in section 2 of the *Housing Services Act, 2011* is amended by adding “subject to subsection 68 (6)” at the end.

2 Section 3 of the Act is amended by adding “and has not ceased to be a designated housing project in accordance with section 68.1 or 101.3” at the end.

3 The Act is amended by adding the following heading after section 10:

**PART II.1
SERVICE LEVELS, ACCESS SYSTEM**

4 The Act is amended by adding the following section:

Service levels

10.1 (1) A service manager shall ensure that assistance related to housing is provided in its service area in accordance with the regulations, including regulations respecting levels at which assistance must be provided.

Forms of assistance

(2) The assistance related to housing referred to in subsection (1) is,

- (a) any form of assistance that is described in the regulations; and
- (b) any specified program that has been approved by the Minister for the purposes of this section.

Prescribed requirements for assistance

(3) A service manager shall comply with the prescribed requirements with respect to the assistance related to housing referred to in clauses (2) (a) and (b), including requirements respecting eligibility and priority for assistance.

Legislation Act, 2006

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an approval under clause (2) (b).

5 The Act is amended by adding the following section:

Access system

10.2 (1) A service manager shall have an access system for providing assistance related to housing in its service area.

Forms of assistance

(2) The assistance related to housing referred to in subsection (1) is,

- (a) rent-geared-to-income assistance under Part V;
- (b) any form of assistance that is described in the regulations; and
- (c) any specified program that has been approved by the Minister for the purposes of this section.

Prescribed requirements for system

(3) The access system must comply with the prescribed requirements.

Prescribed requirements for assistance

(4) A service manager shall comply with the prescribed requirements with respect to the assistance related to housing referred to in clauses (2) (b) and (c), including requirements respecting eligibility and priority for assistance.

Legislation Act, 2006

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an approval under clause (2) (c).

6 Sections 40 and 41 of the Act are repealed.

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

Local rules required

(2) A service manager shall make local eligibility rules with respect to the prescribed matters.

Other local rules

(2.1) A service manager may make local eligibility rules other than those made under subsection (2) with respect to the prescribed matters.

8 Section 68 of the Act is amended by adding the following subsection:

Non-application

(6) Subsection (1) does not apply to a housing project that has ceased to be a designated housing project in accordance with section 68.1 or 101.3.

9 The Act is amended by adding the following section:**Ceasing to be designated housing project — exit agreement**

68.1 (1) A housing project ceases to be a designated housing project on a date determined in accordance with the regulations if,

- (a) the housing project satisfies the prescribed criteria, if any;
- (b) the housing provider and the service manager have entered into an exit agreement that complies with the prescribed requirements; and
- (c) the housing provider and the service manager have given the Minister notice in accordance with subsection (2) of their intention that the housing project cease to be a designated housing project.

Notice to Minister

(2) The notice referred to in clause (1) (c) must,

- (a) be given jointly by the housing provider and the service manager in writing;
- (b) be accompanied by the prescribed documents and information; and
- (c) comply with the prescribed requirements.

List

(3) The Minister shall maintain, in accordance with the prescribed requirements, a list of every housing project that is designated in the regulations for the purposes of subsection 68 (1) but that has ceased to be a designated housing project in accordance with this section.

Available to public

(4) The Minister shall make the list described in subsection (3) available to the public in accordance with the prescribed requirements.

Presumed not to be designated housing project

(5) In the absence of evidence to the contrary, a housing project is presumed not to be a designated housing project even if it is designated in the regulations for the purposes of subsection 68 (1) if it is included on the list maintained by the Minister.

Definition of “exit agreement”

(6) In this section,

“exit agreement” means an agreement between a housing provider and a service manager in which they provide for a housing project to cease to be a designated housing project.

10 The Act is amended by adding the following Part:

**PART VII.1
PART VII.1 HOUSING PROJECTS**

Definitions

101.1 In this Part,

“exit agreement” means an agreement between a housing provider and a service manager in which they provide for a housing project to cease to be a Part VII.1 housing project; (“accord de cessation”)

“Part VII.1 housing project” means a housing project that has become a Part VII.1 housing project in accordance with section 101.2, other than a housing project that has ceased to be a Part VII.1 housing project in accordance with section 101.7; (“ensemble domiciliaire visé par la partie VII.1”)

“service agreement” means an agreement between a housing provider and a service manager relating to the administration of a Part VII.1 housing project. (“accord de services”)

Part VII.1 housing project

101.2 (1) A housing project becomes a Part VII.1 housing project on a date determined in accordance with the regulations if,

- (a) the housing provider and the service manager in whose service area the housing project is located have entered into a service agreement that complies with the prescribed requirements;

- (b) the housing provider and the service manager have given the Minister notice in accordance with subsection (3) of their intention that the housing project be a Part VII.1 housing project; and
- (c) at the time notice is given under clause (b), the housing project is,
 - (i) a designated housing project that satisfies the prescribed criteria, if any, or
 - (ii) such other type of housing project as may be prescribed.

Service agreement, prescribed requirements

(2) The prescribed requirements referred to in clause (1) (a) may relate to any aspect of the service agreement, including terms of the agreement relating to administration, funding and operation of the housing project and governance of the housing provider.

Notice to Minister

- (3) The notice referred to in clause (1) (b) must,
 - (a) be given jointly by the housing provider and the service manager in writing;
 - (b) be accompanied by the prescribed documents and information; and
 - (c) comply with the prescribed requirements.

Part VII.1 housing project ceases to be designated housing project

101.3 (1) A designated housing project that becomes a Part VII.1 housing project in accordance with section 101.2 ceases to be a designated housing project on the date it becomes a Part VII.1 housing project.

Same

(2) Subsection (1) applies even if the housing project subsequently ceases to be a Part VII.1 housing project.

Lists of Part VII.1 housing projects

Service manager's list

101.4 (1) A service manager that has one or more Part VII.1 housing projects in its service area shall maintain a list of those housing projects in accordance with the prescribed requirements.

Available to public

(2) The service manager shall make the list described in subsection (1) available to the public in accordance with the prescribed requirements.

Notice to Minister

(3) The service manager shall, without delay and in accordance with the prescribed requirements, provide the Minister with the list maintained by the service manager and any subsequent changes to it.

Minister's list

(4) The Minister shall maintain a list of all Part VII.1 housing projects in accordance with the prescribed requirements.

Available to public

(5) The Minister shall make the list described in subsection (4) available to the public in accordance with the prescribed requirements.

Presumed Part VII.1 housing project

(6) In the absence of evidence to the contrary, a housing project is presumed to be a Part VII.1 housing project even if it is designated in the regulations for the purposes of subsection 68 (1) if it is included on the list maintained by the Minister.

Service agreement

101.5 (1) A housing provider and a service manager that have entered into a service agreement in respect of a Part VII.1 housing project shall comply with the agreement.

Successor housing provider bound

(2) If a housing provider transfers the operation of a Part VII.1 housing project to another housing provider, the successor housing provider is bound by the service agreement that is in effect in respect of the project. The successor housing provider is deemed to be the housing provider under the service agreement.

Amendment or replacement

(3) The housing provider and the service manager shall not amend or replace a service agreement unless the amended agreement or replacement agreement continues to comply with the requirements referred to in clause 101.2 (1) (a).

Termination

- (4) The housing provider and the service manager shall not terminate a service agreement except,
- (a) as part of replacing the agreement in accordance with subsection (3); or
 - (b) as permitted by the regulations.

Invalidity if subs. (3) or (4) contravened

- (5) Any amendment, replacement or termination of a service agreement that contravenes subsection (3) or (4), as applicable, is invalid and of no force or effect.

Invalidity if inconsistent with directive

- (6) A provision of a service agreement that is inconsistent with a directive issued under subsection 101.6 (1) is, to the extent of the inconsistency, invalid and of no force or effect, but only if the directive so provides.

Ministerial directives

101.6 (1) The Minister may issue directives with respect to,

- (a) the administration of Part VII.1 housing projects by service managers; and
- (b) the operation of Part VII.1 housing projects by housing providers and the governance of housing providers that operate Part VII.1 housing projects.

Categories

- (2) A directive issued under subsection (1) may create different categories of housing providers and Part VII.1 housing projects and may contain different provisions in respect of each category.

Reports, etc.

- (3) For greater certainty, a directive issued under clause (1) (b) may require housing providers to provide reports, documents and other information to service managers.

Notice

- (4) The Minister shall give notice of a directive issued under subsection (1) in accordance with the prescribed requirements.

Compliance

- (5) Every service manager and housing provider shall comply with the applicable directives issued under subsection (1).

Legislation Act, 2006

- (6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a directive issued under subsection (1).

Ceasing to be Part VII.1 housing project

101.7 (1) A housing project ceases to be a Part VII.1 housing project on a date determined in accordance with the regulations if,

- (a) the housing provider and the service manager have entered into an exit agreement that complies with the prescribed requirements; and
- (b) the housing provider and the service manager have given notice to the Minister in accordance with subsection (2) of their intention that the housing project cease to be a Part VII.1 housing project.

Notice to Minister

- (2) The notice referred to in clause (1) (b) must,
- (a) be given jointly by the housing provider and the service manager in writing;
 - (b) be accompanied by the prescribed documents and information; and
 - (c) comply with the prescribed requirements.

11 The Act is amended by adding the following sections:**Transition regulations, 2020 amendments**

181.2 The Lieutenant Governor in Council may make regulations providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable to deal with issues arising from the repeal of sections 40 and 41 by Schedule 2 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*, as those sections read immediately before their repeal.

Regulations, ceasing to be a designated housing project

181.3 (1) The Lieutenant Governor in Council may make regulations providing for matters relating to a designated housing project ceasing to be a designated housing project under section 68.1 or 101.3.

Same

(2) Without limiting the generality of subsection (1), the regulations may provide that,

- (a) despite the housing project ceasing to be a designated housing project, certain provisions of the Act continue to apply to the housing provider or service manager in respect of the housing project for a specified period of time and with necessary modifications, in specified circumstances;
- (b) despite the housing project ceasing to be subject to a transferred housing program, certain provisions of the Act relating to such programs continue to apply in respect of the rights and obligations of a household that was already occupying a unit in the project.

12 Clause 182 (a) of the Act is amended by striking out “40 (4) or”.

13 Section 183 of the Act is amended by striking out “section 181, 181.1 or 182” and substituting “sections 181 to 182”.

Commencement

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

**SCHEDULE 3
ONTARIO MORTGAGE AND HOUSING CORPORATION REPEAL ACT, 2020**

CONTENTS

1.	Definitions
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3.	Dissolution, transfer, etc. not a breach, etc.
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6.	Final audit
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9.	Ontario Mortgage and Housing Corporation Act
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11.	Ministry of Municipal Affairs and Housing Act
12.	Residential Tenancies Act, 2006
13.	Conveyancing and Law of Property Act
14.	Commencement
15.	Short title

Definitions

1 In this Act,

“Corporation” means the Ontario Mortgage and Housing Corporation continued under the *Ontario Mortgage and Housing Corporation Act*; (“Soci t ”)

“Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*. (“ministre”)

Dissolution of Corporation and transfer of assets, liabilities, etc.

2 (1) The Corporation is dissolved and all its assets, liabilities, rights and obligations are hereby transferred to and vested in the Crown in right of Ontario.

Agreements, securities, etc.

(2) For greater certainty, subsection (1) applies with respect to rights and obligations under agreements, securities and instruments, including charges and mortgages.

Proceedings

(3) Proceedings by or against the Corporation that have not been finally determined shall be continued by or against the Crown in right of Ontario.

Dissolution, transfer, etc. not a breach, etc.

3 The operation of section 2 does not constitute a breach, termination or repudiation of an agreement, security or instrument or the frustration of an agreement or an event of default or force majeure.

Sale or disposal of land

4 The Minister may sell or otherwise dispose of real property that was transferred under subsection 2 (1) and that is under the Minister’s control.

Transfers of land to municipalities

5 (1) The Minister may, by order, transfer real property that was transferred under subsection 2 (1) and that is under the Minister’s control to a municipality where the real property is located.

Registration on title

(2) The Minister shall register an order under subsection (1) on title.

Prior notice, consent not required

(3) The Minister may make and register an order under this section without notice and without consent from the municipality to which the real property is transferred.

Notice after order is made and registered

(4) After an order is made and registered under this section, the Minister shall give notice of the order to the municipality to which the real property is transferred.

Final audit

6 (1) The accounts and financial transactions of the Corporation for the period described in subsection (2) shall be audited by the Auditor General, and a report of the audit shall be made to the Minister.

Period covered

(2) The period referred to in subsection (1) begins after the end of the period covered by the last annual audit made under section 12 of the *Ontario Mortgage and Housing Corporation Act* and ends on the day the Corporation is dissolved.

Final annual report

7 (1) The Minister shall prepare a final annual report of the Corporation for the period described in subsection (2) and shall make it available to the public.

Period covered

(2) The period referred to in subsection (1) begins after the end of the period covered by the last annual report made under section 13 of the *Ontario Mortgage and Housing Corporation Act* and ends on the day the Corporation is dissolved.

Tabling

(3) The Minister shall table the Corporation'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.

Repeal of Act

8 On the day this section comes into force, this Act is repealed.

Ontario Mortgage and Housing Corporation Act

9 **The *Ontario Mortgage and Housing Corporation Act* is repealed.**

Housing Services Act, 2011

10 (1) **The definition of "Ontario Mortgage and Housing Corporation" in section 2 of the *Housing Services Act, 2011* is repealed.**

(2) **Clause 72 (1) (b) of the Act is amended by striking out "or the Ontario Mortgage and Housing Corporation" at the end.**

(3) **Clause 90 (5) (e) of the Act is amended by striking out "or the Ontario Mortgage and Housing Corporation".**

(4) **Subsections 102 (6) and (7) of the Act are repealed and the following substituted:**

Deductions

(6) The Minister may deduct amounts from any instalment that would otherwise be payable to a service manager under subsection (5) in accordance with the following:

1. The Minister may deduct amounts the Ontario Mortgage and Housing Corporation would have owed, had the Corporation not been dissolved, to the Crown in right of Ontario in respect of a housing project developed under the *National Housing Act* (Canada) that is located within the service manager's service area.
2. The Minister may deduct amounts to make payments due in respect of amounts owed to the Canada Mortgage and Housing Corporation under a debenture issued to secure the capital funding advanced by the Corporation for a housing project developed under the *National Housing Act* (Canada) that is located within the service manager's service area.
3. The Minister may deduct amounts to pay an amount owed by the service manager under subsection 106 (3) or 107 (4).

Notice of deductions

(7) The Minister shall publish in *The Ontario Gazette* a notice setting out for each service manager the amount of any deduction under paragraph 1 or 2 of subsection (6).

Notice of payments

(7.1) The Minister shall give written notice to the service manager of any payment referred to in paragraph 2 or 3 of subsection (6) and shall do so no later than 30 days after the payment is made.

(5) **Subsection 163 (2) of the Act is amended by striking out "or the Ontario Mortgage and Housing Corporation".**

(6) **Subsection 174 (1) of the Act is amended by striking out "the Ontario Mortgage and Housing Corporation" in the portion before clause (a).**

Ministry of Municipal Affairs and Housing Act

11 (1) **The *Ministry of Municipal Affairs and Housing Act* is amended by adding the following section:**

Protection from personal liability

7.1 (1) Subsections 10.1 (1) and 13.1 (4) of the *Ontario Mortgage and Housing Corporation Act*, as they read immediately before being repealed, continue to apply, with necessary modifications, with respect to the persons with respect to whom those subsections applied immediately before being repealed.

Crown liability

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability to which it would otherwise be subject.

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

Residential Tenancies Act, 2006

12 (1) Paragraph 1 of subsection 7 (1) of the *Residential Tenancies Act, 2006* is repealed and the following substituted:

1. A rental unit located in a residential complex owned, operated or administered by or on behalf of the Government of Canada or an agency of the Government of Canada.

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

Exception, subs. (1), par. 1

(4) Despite subsection (1), the provisions of this Act set out in that subsection apply with respect to a rental unit described in paragraph 1 of that subsection if the tenant occupying the rental unit pays rent to a landlord other than the Government of Canada or an agency of the Government of Canada.

Conveyancing and Law of Property Act

13 Clause 36 (2) (a) of the *Conveyancing and Law of Property Act* is repealed and the following substituted:

- (a) originally from the Ontario Housing Corporation or the Ontario Mortgage and Housing Corporation;
- (a.1) from the Ontario Land Corporation; or

Commencement

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

Short title

15 The short title of the Act set out in this Schedule is the *Ontario Mortgage and Housing Corporation Repeal Act, 2020*.

**SCHEDULE 4
RESIDENTIAL TENANCIES ACT, 2006**

1 The *Residential Tenancies Act, 2006* is amended by adding the following section:

Other exemption from Act, site for land lease home

5.2 (1) This Act does not apply with respect to a rental unit that is a site on which a land lease home is located, if all of the following requirements are met:

1. The rental unit is owned by an employer and is provided to an employee, or to an employee and the employee's spouse, in connection with the employee's employment.
2. The rental unit is subject to a tenancy in respect of which a tenancy agreement is first entered into on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent between,
 - i. the employer, as landlord, and the employee, as tenant, or
 - ii. the employer, as landlord, and the employee and the employee's spouse, as joint tenants.

Application of exemption

(2) The exemption under subsection (1) applies with respect to a rental unit until the tenancy is terminated.

Same

(3) Subsection (2) applies with respect to a rental unit even if,

- (a) the employee ceases to be employed before the tenancy is terminated; or
- (b) the employee dies before the tenancy is terminated, provided the employee's spouse is a tenant of the rental unit.

2 Subsection 6 (1) of the Act is amended by striking out "48.1, 51" in the portion before clause (a) and substituting "48.1, 49.1, 51".

3 (1) Subsection 7 (1) of the Act is amended by striking out "48.1, 51" in the portion before paragraph 1 and substituting "48.1, 49.1, 51".

(2) The French version of subsection 7 (5) of the Act is amended by striking out "qui relève".

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

Non-application

(3) This section does not apply with respect to a tenancy if,

- (a) the tenancy begins on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent; and
- (b) section 12.1 applies with respect to the tenancy agreement entered into in respect of the tenancy.

Transition, subs. (3)

(4) Subsection (3) applies with respect to a tenancy agreement referred to in that subsection even if the agreement was entered into before the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent.

5 The Act is amended by adding the following section:

Compensation, notice under s. 49 (1) or (2)

49.1 (1) A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) the landlord gives the tenant a notice of termination of the tenancy on behalf of a purchaser under subsection 49 (1) or (2); and
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent.

Obligation under subs. (1)

(2) Despite section 18, the obligation to compensate the tenant under subsection (1) remains an obligation of the landlord who gives the notice of termination of the tenancy on behalf of the purchaser and does not become an obligation of the purchaser.

6 Section 52 of the Act is amended by adding the following subsection:

Same, fewer than five residential units

(2) A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent;
- (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
- (d) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act.

7 Section 54 of the Act is amended by adding the following subsections:

Same, fewer than five residential units

(3) A landlord shall compensate a tenant who receives notice of termination of a tenancy under section 50 for the purpose of repairs or renovations in an amount equal to one month's rent or shall offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant does not give the landlord notice under subsection 53 (2) with respect to the rental unit;
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent and section 55 does not apply;
- (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
- (d) the repair or renovation was not ordered to be carried out under the authority of this or any other Act.

Same

(4) A landlord shall compensate a tenant who receives notice of termination of a tenancy under section 50 for the purpose of repairs or renovations in an amount equal to the rent for the lesser of one month and the period the unit is under repair or renovation if,

- (a) the tenant gives the landlord notice under subsection 53 (2) with respect to the rental unit;
- (b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent and section 55 does not apply;
- (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
- (d) the repair or renovation was not ordered to be carried out under the authority of this or any other Act.

8 Section 55.1 of the Act is amended,

- (a) by striking out “48.1, 52” and substituting “48.1, 49.1, 52”; and
- (b) by striking out “48 or 50” at the end and substituting “48, 49 or 50”.

9 (1) Paragraph 1 of subsection 57 (3) of the Act is repealed and the following substituted:

1. An order that the landlord pay a specified sum to the former tenant for all or any portion of any increased rent that the former tenant has incurred or will incur for a one-year period after vacating the rental unit.
- 1.1 An order that the landlord pay a specified sum to the former tenant as general compensation in an amount not exceeding the equivalent of 12 months of the last rent charged to the former tenant. An order under this paragraph may be made regardless of whether the former tenant has incurred any actual expenses or whether an order is made under paragraph 2.
- 1.2 An order that the landlord pay a specified sum to the former tenant for reasonable out-of-pocket moving, storage and other like expenses that the former tenant has incurred or will incur.

(2) Section 57 of the Act is amended by adding the following subsection:

Transition

(8) This section, as it read immediately before subsection 9 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, continues to apply with respect to an application under subsection (1) that is made before that day and has not been finally determined before that day, even if the hearing of the application is on or after that day.

10 (1) Subsection 57.1 (2) of the Act is amended by striking out “more than one year” and substituting “more than two years”.

(2) Section 57.1 of the Act is amended by adding the following subsections:

Transition, application pending

(2.1) An application that was made under subsection (1) before the day subsection 10 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force and was not finally determined before that day is deemed to comply with subsection (2), as it reads on that day, if the application was made more than one year, but not more than two years, after the former tenant vacated the rental unit.

Transition, previous application dismissed

(2.2) If a previous application made by the former tenant was dismissed before the day subsection 10 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force for failure to comply with subsection (2), as it read before that day, the former tenant may make another application under subsection (1) more than one year, but not more than two years, after the former tenant vacated the rental unit.

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

Application based on certain notice

Affidavit under s. 72 (1)

71.1 (1) A landlord who, on or after the day subsection 11 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, files an application under section 69 based on a notice of termination given under section 48 or 49 shall file the affidavit required under subsection 72 (1) at the same time as the application is filed.

Non-compliance with subs. (1)

(2) The Board shall refuse to accept the application for filing if the landlord has not complied with subsection (1).

(2) Section 71.1 of the Act, as enacted by subsection (1), is amended by adding the following subsections:

Previous use of notices under s. 48, 49 or 50

(3) A landlord who, on or after the day subsection 11 (2) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, files an application under section 69 based on a notice of termination given under section 48, 49 or 50 shall, in the application,

- (a) indicate whether or not the landlord has, within two years prior to filing the application, given any other notice under section 48, 49 or 50 in respect of the same or a different rental unit; and
- (b) set out, with respect to each previous notice described in clause (a),
 - (i) the date the notice was given,
 - (ii) the address of the rental unit in respect of which the notice was given,
 - (iii) the identity of the intended occupant in respect of whom the notice was given if the notice was given under section 48 or 49, and
 - (iv) such other information as may be required by the Rules.

Non-compliance with subs. (3)

(4) The Board shall refuse to accept the application for filing if the landlord has not complied with subsection (3).

12 Section 72 of the Act is amended by adding the following subsections:

Determination of good faith

(3) In determining the good faith of the landlord or the purchaser, as applicable, in an application described in subsection (1), (1.1) or (2), the Board may consider any evidence the Board considers relevant that relates to the landlord's or purchaser's previous use of notices of termination under section 48, 49 or 50 in respect of the same or a different rental unit.

Application of subs. (3)

- (4) Subsection (3) applies with respect to any application described in subsection (1), (1.1) or (2) that,
 - (a) is made on or after the day section 12 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; or
 - (b) was made before that day and was not finally determined before that day.

13 Section 73 of the Act is amended by adding the following subsections:

Determination of good faith

(2) In determining the good faith of the landlord in an application described in subsection (1), the Board may consider any evidence the Board considers relevant that relates to the landlord's previous use of notices of termination under section 48, 49 or 50 in respect of the same or a different rental unit.

Application of subs. (2)

- (3) Subsection (2) applies with respect to any application described in subsection (1) that,
- (a) is made on or after the day section 13 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; or
 - (b) was made before that day and was not finally determined before that day.

14 Subsection 73.1 (1) of the Act is amended,

- (a) by striking out “48.1, 52” and substituting “48.1, 49.1, 52”; and
- (b) by striking out “48 or 50” and substituting “48, 49 or 50”.

15 (1) Paragraph 2 of subsection 78 (1) of the Act is amended by striking out “A settlement mediated under section 194” at the beginning and substituting “A settlement agreed to under section 194”.

(2) Paragraph 2 of subsection 78 (3) of the Act is amended by striking out “A settlement mediated under section 194” at the beginning and substituting “A settlement agreed to under section 194”.

(3) Paragraph 4 of subsection 78 (4) of the Act is amended by striking out “If a settlement was mediated under section 194” at the beginning and substituting “If a settlement was agreed to under section 194”.

(4) Paragraph 5 of subsection 78 (7) of the Act is amended by striking out “If a settlement was mediated under section 194” at the beginning and substituting “If a settlement was agreed to under section 194”.

(5) Subsection 78 (12) of the Act is amended by striking out “a settlement mediated under section 194” and substituting “a settlement agreed to under section 194”.

16 Section 82 of the Act is repealed and the following substituted:**Tenant issues**

82 (1) At a hearing of an application by a landlord under section 69 for an order terminating a tenancy and evicting a tenant based on a notice of termination under section 59, the Board shall permit the tenant to raise any issue that could be the subject of an application made by the tenant under this Act if the tenant,

- (a) complies with the requirements set out in subsection (2); or
- (b) provides an explanation satisfactory to the Board explaining why the tenant could not comply with the requirements set out in subsection (2).

Requirements to be met by tenant

(2) The requirements referred to in subsection (1) are the following:

1. The tenant shall give advance notice to the landlord of the tenant’s intent to raise the issue at the hearing.
2. The notice shall be given within the time set out in the Rules.
3. The notice shall be given in writing and shall comply with the Rules.

Orders

(3) If a tenant raises an issue under subsection (1), the Board may make any order in respect of the issue that it could have made had the tenant made an application under this Act.

Transition

(4) This section, as it reads immediately before the day section 16 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, continues to apply with respect to an application described in subsection (1) that is made before that day and has not been finally determined before that day, even if the hearing of the application is on or after that day.

17 (1) Subsection 83 (4) of the Act is amended by striking out “48.1, 52” and substituting “48.1, 49.1, 52”.

(2) Subsection 83 (5) of the Act is amended,

- (a) by striking out “subsection 54 (2) applies” and substituting “subsection 54 (2) or (4) applies; and
- (b) by striking out “subsection 54 (2)” at the end and substituting “subsection 54 (2) or (4), as applicable.

18 (1) Subsections 87 (1) and (3) of the Act are repealed and the following substituted:

Applications**Application for arrears of rent**

(1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay arrears of rent if,

- (a) the tenant or former tenant did not pay rent lawfully required under the tenancy agreement; and
- (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

Application under subs. (1)

- (1.1) An application under subsection (1) may be made,
- (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.

Application for compensation for use and occupation of unit

- (3) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay compensation for the use and occupation of the rental unit after a notice of termination or an agreement to terminate the tenancy has taken effect if,
- (a) the tenant or former tenant is or was in possession of the rental unit after the termination of the tenancy; and
 - (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

Application under subs. (3)

- (3.1) An application under subsection (3) may be made,
- (a) while the tenant or former tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.
- (2) **Subsection 87 (4) of the Act is amended by striking out “both owing” and substituting “both owing by a tenant”.**
- (3) **Subsection 87 (5) of the Act is amended,**
- (a) **by striking out “tenant” in the portion before paragraph 1 and substituting “tenant or former tenant”; and**
 - (b) **by striking out “tenant” in paragraph 1 and substituting “tenant or former tenant”.**
- (4) **Section 87 of the Act is amended by adding the following subsections:**

Application

- (6) This section applies with respect to,
- (a) arrears of rent described in subsection (1), even if the arrears accrued before the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force;
 - (b) the use and occupation of the rental unit described in subsection (3), even if the use and occupation occurred before that day; and
 - (c) charges described in subsection (5), even if the charges were incurred before that day.

Transition, court proceedings not affected

- (7) Despite subsection 168 (2), the re-enactment of subsections (1) and (3) by subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of arrears of rent or compensation for the use and occupation of the rental unit, or for the payment of both, that is commenced before the day that subsection comes into force and has not been finally determined before that day.

19 The Act is amended by adding the following section:

Application for compensation for interference with reasonable enjoyment, etc.

- 88.1** (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay costs described in subsection (4) if,
- (a) while the tenant or former tenant is or was in possession of the rental unit, the conduct of the tenant or former tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant or former tenant is or was such that it substantially interferes or interfered with,
 - (i) the reasonable enjoyment of the residential complex for all usual purposes by the landlord, or
 - (ii) another lawful right, privilege or interest of the landlord; and

- (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day section 19 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

Application under subs. (1)

- (2) An application under subsection (1) may be made,
 - (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.

Same

- (3) If the Board makes an order requiring payment under subsection (1) and for the termination of the tenancy, the Board shall set off against the amount required to be paid by the tenant the amount of any rent deposit or interest on a rent deposit that would be owing to the tenant on termination.

Compensation for interference with reasonable enjoyment, etc.

- (4) The costs referred to in subsection (1) are reasonable out-of-pocket expenses that the landlord has incurred or will incur as a result of an interference described in clause (1) (a) and do not include costs that the landlord may recover in an application under section 88.2 or 89.

Application

- (5) This section applies with respect to,
 - (a) an interference described in clause (1) (a), even if the interference occurred before the day section 19 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; and
 - (b) out-of-pocket expenses described in subsection (4), even if the expenses were incurred before that day.

Transition, court proceedings not affected

- (6) Despite subsection 168 (2), the enactment of this section by section 19 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of compensation for an interference described in clause (1) (a) that is commenced before the day that section comes into force and has not been finally determined before that day.

20 The Act is amended by adding the following section:

Application for compensation for failure to pay utility costs

- 88.2** (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay costs described in subsection (4) if,
- (a) while the tenant or former tenant is or was in possession of the rental unit, the tenant or former tenant failed to pay utility costs that they were required to pay under the terms of the tenancy agreement; and
 - (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day section 20 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

Application under subs. (1)

- (2) An application under subsection (1) may be made,
 - (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.

Same

- (3) If the Board makes an order requiring payment under subsection (1) and for the termination of the tenancy, the Board shall set off against the amount required to be paid by the tenant the amount of any rent deposit or interest on a rent deposit that would be owing to the tenant on termination.

Compensation for failure to pay utility costs

- (4) The costs referred to in subsection (1) are reasonable out-of-pocket expenses that the landlord has incurred or will incur as a result of a tenant's or former tenant's failure to pay utility costs that they were required to pay under the terms of the tenancy agreement.

Application

- (5) This section applies with respect to,

- (a) a failure described in clause (1) (a), even if the failure occurred before the day section 20 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; and
- (b) out-of-pocket expenses described in subsection (4), even if the expenses were incurred before that day.

Transition, court proceedings not affected

(6) Despite subsection 168 (2), the enactment of this section by section 20 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of compensation for a tenant's or former tenant's failure to pay utility costs that is commenced before the day that section comes into force and has not been finally determined before that day.

21 (1) Subsection 89 (1) of the Act is repealed and the following substituted:

Application for compensation for damage

- (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay reasonable costs that the landlord has incurred or will incur for the repair of or, where repairing is not reasonable, the replacement of damaged property if,
 - (a) while the tenant or former tenant is or was in possession of the rental unit, the tenant or former tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant or former tenant wilfully or negligently causes or caused undue damage to the rental unit or the residential complex; and
 - (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 21 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

Application under subs. (1)

- (1.1) An application under subsection (1) may be made,
 - (a) while the tenant is in possession of the rental unit; or
 - (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.
- (2) **Subsection 89 (2) of the Act is amended by striking out “required to be paid” and substituting “required to be paid by the tenant”.**

(3) Section 89 of the Act is amended by adding the following subsections:

Application

- (3) This section applies with respect to,
 - (a) damage described in clause (1) (a), even if the damage occurred before the day subsection 21 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force; and
 - (b) costs described in subsection (1), even if the costs were incurred before that day.

Transition, court proceedings not affected

(4) Despite subsection 168 (2), the re-enactment of subsection (1) by subsection 21 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* does not affect any court proceeding for an order for the payment of compensation for damage to the rental unit or the residential complex that is commenced before the day that subsection comes into force and has not been finally determined before that day.

22 Paragraph 2 of subsection 94.11 (1) of the Act is amended by striking out “A settlement mediated under section 194” at the beginning and substituting “A settlement agreed to under section 194”.

23 Subsection 135 (1.1) of the Act is amended by striking out “48.1, 52” and substituting “48.1, 49.1, 52”.

24 The Act is amended by adding the following section:

Rent increase deemed not void

135.1 (1) An increase in rent that would otherwise be void under subsection 116 (4) is deemed not to be void if the tenant has paid the increased rent in respect of each rental period for at least 12 consecutive months.

Non-application

(2) Subsection (1) does not apply with respect to an increase in rent if the tenant has, within one year after the date the increase was first charged, made an application in which the validity of the rent increase is in issue.

Deemed compliance with s. 116

(3) For greater certainty, if subsection (1) applies with respect to an increase in rent, section 116 is deemed to have been complied with.

Application of s. 136

(4) For greater certainty, nothing in this section limits the application of section 136.

Transition

(5) This section applies with respect to an increase in rent even if it was first charged before the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent, provided the validity of the rent increase was not finally determined by the Board before that day.

25 (1) Subsections 137 (7) and (8) of the Act are repealed.

(2) Subsection 137 (12) of the Act is amended by striking out “(2), (6), (7), (8), (9) or (10)” in the portion before paragraph 1 and substituting “(2), (6), (9) or (10)”.

(3) Section 137 of the Act is amended by adding the following subsection:

Transition, *Protecting Tenants and Strengthening Community Housing Act, 2020*

(19) This section and any related regulations, as they read immediately before the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent, continue to apply with respect to tenancy agreements that were entered into before that day.

26 The Act is amended by adding the following section:

Exclusion from rent

165.1 (1) This section applies with respect to an amount that a landlord charges a tenant under the terms of a written agreement for any prescribed services and facilities or any prescribed privilege, accommodation or thing that the landlord provides for the tenant in respect of the occupancy of the site for a mobile home.

Not within the definition of “rent”

(2) On and after the applicable prescribed date and if the prescribed circumstances apply,

- (a) the prescribed services and facilities or the prescribed privilege, accommodation or thing shall not be considered to be services and facilities or a privilege, accommodation or thing that fall within the definition of “rent” in subsection 2 (1); and
- (b) the amount charged by the landlord for the prescribed services and facilities or the prescribed privilege, accommodation or thing shall not be included in the rent charged to the tenant.

Reduction of rent

(3) If the rent charged to a tenant immediately before the applicable date referred to in subsection (2) includes an amount to which that subsection applies, the landlord shall reduce the rent charged to the tenant in accordance with the prescribed rules.

Application

(4) For greater certainty, this section applies with respect to an agreement referred to in subsection (1) whether the agreement is a tenancy agreement or any other agreement entered into between a landlord and a tenant.

Same

(5) For greater certainty, this section applies with respect to an agreement referred to in subsection (1) even if the agreement was entered into before the day section 26 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

27 Subsection 167 (1) of the Act is repealed and the following substituted:

Increased capital expenditures

(1) If, on an application made under section 126 on or after the day section 27 of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, the Board finds that a capital expenditure is for infrastructure work, the Board may, despite subsection 126 (11) but in accordance with the prescribed rules,

- (a) determine the number of years over which the rent increase justified by the capital expenditure may be taken; and
- (b) determine the percentage increase justified by the capital expenditure that may be taken in each year described in clause (a).

Same

(1.1) For greater certainty, the number of years determined under clause (1) (a) may be less than, equal to or greater than three.

Same

(1.2) For greater certainty, the percentage increase determined under clause (1) (b) may be less than, equal to or greater than 3 per cent in any given year and need not be the same for each year.

28 The Act is amended by adding the following section:

Application under s. 87, 88.1, 88.2 or 89

189.0.1 (1) This section applies with respect to an application under subsection 87 (1) or (3), 88.1 (1), 88.2 (1) or 89 (1) if, at the time the application is made, the tenant or former tenant who is a party to the application is no longer in possession of the rental unit.

Notice from applicant

- (2) The applicant shall, within the time set out in the Rules, give the tenant or former tenant,
- (a) a copy of the application; and
 - (b) a copy of any notice of hearing issued by the Board in respect of the application.

Certificate of service

(3) The applicant shall, in the circumstances set out in the Rules, file with the Board a certificate of service on the tenant or former tenant in the form approved by the Board.

Application

- (4) If this section applies with respect to an application,
- (a) paragraph 1 of subsection 188 (1) and section 189 do not apply with respect to the tenant or former tenant; and
 - (b) clause (2) (b) applies despite the *Statutory Powers Procedure Act*.

29 Section 191 of the Act is amended by adding the following subsection:

Same, tenant or former tenant no longer in possession

(1.0.1) Despite subsection (1), a notice or document is sufficiently given to a tenant or former tenant who is no longer in possession of a rental unit,

- (a) by handing it to the tenant or former tenant;
- (b) by sending it by mail to the address where the tenant or former tenant resides;
- (c) by handing it to an apparently adult person where the tenant or former tenant resides; or
- (d) by any other means allowed in the Rules.

30 (1) Subsection 194 (1) of the Act is repealed and the following substituted:

Mediation or other dispute resolution process

(1) The Board may attempt to settle through mediation or another dispute resolution process any matter that is the subject of an application or agreed upon by the parties, if the parties consent to participating in the mediation or other dispute resolution process.

(2) Subsection 194 (2) of the Act is amended by striking out “mediated under this section” and substituting “agreed to under this section”.

(3) Subsection 194 (3) of the Act is amended by striking out “that can be mediated under this section” and substituting “that can be agreed to under this section”.

(4) Subsection 194 (4) of the Act is repealed and the following substituted:

Settlement

(4) If some or all of the issues with respect to an application are settled under this section, the Board shall dispose of the application in accordance with the Rules.

(5) Subsection 194 (5) of the Act is amended by striking out “mediated”.

31 (1) Subsection 206 (3) of the Act is repealed and the following substituted:

Restriction

(3) In an order under subsection (1) issued on or after the day subsection 31 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, the Board shall not order that the tenancy be terminated.

Application under s. 78

(3.1) In an order under subsection (1) issued on or after the day subsection 31 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force, the Board may include a provision allowing a landlord to make an application under section 78 if the tenant fails to comply with one or more of the terms of the order.

(2) Section 206 of the Act is amended by adding the following subsection:

Request under subs. (4) or (5)

(5.1) A landlord may file a request to reopen the application under subsection (4) or (5) even if the order includes a provision described in subsection (3.1).

32 The Act is amended by adding the following section:**Production order**

231.1 (1) A provincial judge or justice of the peace may at any time issue a production order in the prescribed form 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 shall stipulate when, where and how the documents or data are to be produced and to whom they are to be produced.

Grounds

(3) A provincial judge or justice of the peace may make a production order if the provincial judge or justice is 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 such conditions as the provincial judge or justice of the peace considers advisable.

Evidence

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

No return of copies

(6) Copies of documents 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.

33 Clause 233 (f) of the Act is amended by striking out “sections 48.1, 52, 54 and 55” at the end and substituting “section 48.1, 49.1, 52, 54 or 55”.

34 Section 234 of the Act is amended by adding the following clause:

(t.1) fails to comply with a production order issued under section 231.1;

35 (1) Subsection 238 (1) of the Act is amended by striking out “\$25,000” at the end of the subsection and substituting “\$50,000”.

(2) Subsection 238 (2) of the Act is amended by striking out “\$100,000” at the end of the subsection and substituting “\$250,000”.

36 Section 239 of the Act is amended by adding the following subsection:**Same**

(1.2) No proceeding shall be commenced respecting an offence under clause 234 (1) more than two years after the date on which the facts giving rise to the offence came to the attention of the Minister.

37 Section 240 of the Act is amended by adding the following subsection:**Printout of electronic version**

(5) Subsections (1) to (3) apply, with necessary modifications, to any printout of the electronic version of a certificate, statement, document, order or record referred to in those subsections that is stored or maintained by the Board in an electronic format, if the printout is certified as a true copy of the electronic version by the person who made the printout.

38 (1) Paragraphs 45.3, 45.4, 46 and 47 of subsection 241 (1) of the Act are repealed.

(2) Subsection 241 (1) of the Act is amended by adding the following paragraphs:

- 59.1 prescribing services and facilities and privileges, accommodations and things for the purposes of subsection 165.1 (1);
- 59.2 for each of the prescribed services and facilities and prescribed privileges, accommodations and things, prescribing the applicable date and the circumstances governing the application of subsection 165.1 (2);
- 59.3 prescribing the rules governing the reduction of rent for the purposes of subsection 165.1 (3);

(3) Paragraph 60 of subsection 241 (1) of the Act is repealed and the following substituted:

- 60. prescribing rules governing the determination of the number of years under clause 167 (1) (a);
- 61. prescribing rules governing the determination of the percentage increase under clause 167 (1) (b);
- 61.1 prescribing services and things for the purposes of subsection 167 (2);

39 (1) Section 241.1 of the Act is amended by adding the following paragraph:

- 4. prescribing the form of a production order for the purposes of subsection 231.1 (1).

(2) Section 241.1 of the Act is amended by adding the following subsection:

Regulation under par. 2 ii of subs. (1)

- (2) A regulation made under subparagraph 2 ii of subsection (1) may, with respect to a prescribed class of tenancies,
 - (a) prescribe different forms of tenancy agreement depending on whether the tenancy agreements for that class are entered into before a date specified in the regulation or are entered into on or after that date; and
 - (b) provide that for tenancy agreements that are entered into during a transition period specified in the regulation, either one of the forms described in clause (a) may be used for the purposes of compliance with paragraph 1 of subsection 12.1 (1).

40 The Act is amended by adding the following section:

Transition regulations, *Protecting Tenants and Strengthening Community Housing Act, 2020*

241.3 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*.

Same

- (2) A regulation made under subsection (1),
 - (a) may provide that, despite the coming into force of a provision of this Act, as enacted by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*, the provision does not take effect in all or part of the province until the date specified in the regulations;
 - (b) may provide that a provision of this Act, as it reads immediately before the commencement date of its amendment, repeal or re-enactment by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020*, continues to apply for a specified period of time and with necessary modifications, to specified things or in specified circumstances;
 - (c) may govern the application of provisions of this Act to proceedings before a court or the Board in which a claim is made relating to amendments to this Act made by Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* and which were commenced before the commencement date of the amendment.

Commencement

41 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent.

(2) Subsection 3 (2), sections 9 to 13, 15, 16, 18 to 22, 26 to 32 and 34 and subsections 38 (2) and (3) and 39 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.