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Bill 204

An Act to amend various Acts respecting municipal elections, to amend the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and to provide for a temporary residential rent freeze and specified temporary protections for certain commercial tenants

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading September 17, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 ASSESSMENT ACT

The *Assessment Act* is amended to reflect that the Municipal Property Assessment Corporation will no longer be carrying out enumerations for the purposes of the *Municipal Elections Act, 1996*. It will still carry out other enumerations required by the Minister.

SCHEDULE 2 COMMERCIAL TENANCIES ACT

The Schedule amends the *Commercial Tenancies Act* to provide temporary protections for certain commercial tenants. The amendments are similar to the amendments that were made by the *Protecting Small Business Act, 2020*.

Namely, the Act is amended to prohibit certain actions by landlords if the landlord is or would be eligible to receive assistance from the Canada Emergency Commercial Rent Assistance for small businesses program; however, the rules cease to apply if the landlord is approved to receive the assistance. Judges are prohibited from ordering a writ of possession that is effective during the non-enforcement period if the basis for ordering the writ is an arrears of rent. As well, the amendments prohibit landlords from exercising a right of re-entry and from seizing any goods or chattels as a distress for arrears of rent during the non-enforcement period.

The non-enforcement period begins on the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force and ends on October 30, 2020 or such earlier date as may be prescribed.

If a landlord exercised a right of re-entry between September 1, 2020 and the start of the non-enforcement period, the landlord must restore possession of the premises to the tenant or, if unable to do so, must compensate the tenant for damages. Also, if a landlord seized a tenant's goods between September 1, 2020 and the start of the non-enforcement period as a distress for arrears of rent, the landlord must return any unsold goods to the tenant.

SCHEDULE 3 ELECTION ACT

The *Election Act* is amended to extend the Chief Electoral Officer's responsibilities with respect to the permanent register of electors to include persons entitled to be electors in municipal elections, beginning in 2024.

SCHEDULE 4 MUNICIPAL ELECTIONS ACT, 1996

The *Municipal Elections Act, 1996* is amended to move the responsibility for preparing the preliminary voters' list in municipal elections from the Municipal Property Assessment Corporation to the Chief Electoral Officer, beginning in 2024. The responsibilities of the clerk with regard to updating the voters' list are adjusted accordingly, as are the dates regarding the calculation of contribution and spending limits.

A related amendment is made to the *Municipal Act, 2001*.

SCHEDULE 5 MUNICIPAL PROPERTY ASSESSMENT CORPORATION ACT, 1997

The *Municipal Property Assessment Corporation Act, 1997* is amended to require the Corporation to provide information to the Chief Electoral Officer free of charge, for the purposes of establishing and maintaining a permanent register of electors.

SCHEDULE 6 REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

The *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* is amended in relation to organized public events and other gatherings. A police officer, special constable or First Nations Constable will be able to order that premises be temporarily closed if too many people are attending an event or other gathering occurring at the premises. A host or organizer of an event or other gathering will be guilty of an offence if too many people attend.

SCHEDULE 7 RESIDENTIAL TENANCIES ACT, 2006

The Schedule amends the *Residential Tenancies Act, 2006* to provide for a residential rent freeze for the calendar year 2021, subject to specified exceptions.

The Schedule provides that the guideline for rent increases in 2021 is zero per cent, despite the guideline that was published under subsection 120 (3) of the Act in *The Ontario Gazette* for 2021.

The Lieutenant Governor in Council is given the power to make regulations governing transitional matters arising from the amendments made by the Schedule.

**An Act to amend various Acts respecting municipal elections, to amend the
Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and
to provide for a temporary residential rent freeze and
specified temporary protections for certain commercial tenants**

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

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Helping Tenants and Small Businesses Act, 2020*.

**SCHEDULE 1
ASSESSMENT ACT**

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

“Chief Electoral Officer” means the Chief Electoral Officer who holds office under the *Election Act*; (“directeur général des élections”)

2 Section 15 of the Act is repealed and the following substituted:

Enumeration

15 (1) The Minister may require the assessment corporation to conduct an enumeration of the inhabitants in all or part of a municipality, locality or non-municipal territory.

Time and manner

(2) An enumeration under subsection (1) shall be conducted at the times and in the manner provided for in regulations made by the Minister.

Information

(3) The Chief Electoral Officer may provide information requested by the assessment corporation for the purposes of conducting an enumeration under this section.

3 (1) Subsections 16 (2) and (3) of the Act are repealed and the following substituted:

Information from C.E.O.

- (2) The assessment corporation may prepare the list referred to in subsection (1) on the basis of information that is,
- (a) provided to the assessment corporation by the Chief Electoral Officer under section 17.2 of the *Election Act*; or
 - (b) obtained from any source the assessment corporation considers reliable.

Application respecting school support

(3) Any person may apply to the assessment corporation, in a written, electronic or other form approved by the Minister, to have his or her name included or altered in the assessment roll as a supporter of a type of school board under the *Education Act*.

(2) Subsection 16 (8) of the Act is repealed and the following substituted:

Delivery of application by assessment corporation

- (8) If the assessment corporation approves an application under subsection (3), the assessment corporation shall deliver a copy of the approved application to,
- (a) the secretary of each school board in the municipality or locality in which the applicant is entitled to support a school board; and
 - (b) the Chief Electoral Officer.

Commencement

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

**SCHEDULE 2
COMMERCIAL TENANCIES ACT**

1 The definition of “landlord” in section 1 of the *Commercial Tenancies Act* is amended by striking out “Parts II and III” and substituting “Parts II, III and IV”.

2 The Act is amended by adding the following Part:

PART IV

Non-enforcement period

79 In this Part,

“non-enforcement period” means the period that begins on the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force and ends on October 30, 2020 or on such earlier date as may be prescribed.

Application

80 (1) Subject to subsection (2), this Part applies to a tenancy in respect of which the landlord satisfies any of the following criteria:

1. The landlord is eligible to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program.
2. The landlord would be eligible to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program if the landlord entered into a rent reduction agreement with the tenant containing a moratorium on eviction.
3. The landlord would have been eligible to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program as described in paragraph 1 or 2 if applications under that program were being accepted. This paragraph applies only if applications to the Canada Emergency Commercial Rent Assistance for small businesses program are no longer being accepted.

Same

(2) If a landlord described in subsection (1) is approved to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program in respect of the tenancy, the following paragraphs apply:

1. Section 81 does not apply in respect of an action or application by the landlord for a writ of possession, if the action or application was commenced after the landlord was approved to receive the assistance.
2. Sections 82 and 83 do not apply in respect of an exercise of a right of re-entry by the landlord, if the right was exercised after the landlord was approved to receive the assistance.
3. Sections 84 and 85 do not apply in respect of a seizure of goods or chattels as a distress for arrears of rent by the landlord, if the seizure was done after the landlord was approved to receive the assistance.

Same

(3) For greater certainty, subsection (2) applies if the landlord was approved to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program in respect of the tenancy but is no longer receiving assistance under that program.

Conflict

(4) This Part applies despite any other Part of this Act or any provision in an agreement or any common law rule.

Eviction orders for rent arrears not effective during the non-enforcement period

81 (1) Despite anything in this or any other Act, a judge shall not order a writ of possession that is effective during the non-enforcement period in respect of a tenancy described in section 80 if the basis for ordering the writ is an arrears of rent.

Same

(2) Subsection (1) applies in respect of an action or application that was commenced before, on or after the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force.

No re-entry during the non-enforcement period

82 No landlord shall exercise a right of re-entry during the non-enforcement period.

Restore possession and compensate for re-entry before the non-enforcement period

83 (1) If a landlord exercised a right of re-entry during the period that begins on September 1, 2020 and ends immediately before the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force, the landlord shall, as soon as reasonably possible,

- (a) restore possession of the premises to the tenant unless the tenant declines to accept possession; or
- (b) if the landlord is unable to restore possession of the premises to the tenant for any reason other than the tenant declining to accept possession, compensate the tenant for all damages sustained by the tenant by reason of the inability to restore possession.

Tenancy deemed reinstated

(2) If a landlord restores possession of a premises to a tenant under subsection (1), the tenancy is deemed to be reinstated on the same terms and conditions unless the landlord and the tenant agree otherwise.

No distress during the non-enforcement period

84 No landlord shall, during the non-enforcement period, seize any goods or chattels as a distress for arrears of rent.

Return goods seized before the non-enforcement period

85 If, during the period that begins on September 1, 2020 and ends immediately before the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force, a landlord seized any goods or chattels as a distress for arrears of rent, the landlord shall, as soon as reasonably possible, return to the tenant all of the seized goods and chattels that are unsold as of the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force.

Liability for re-entry and seizure of goods

86 (1) A landlord who contravenes section 82 or 84 or who fails to comply with clause 83 (1) (a) or section 85 is liable to the person aggrieved for any damages sustained by the person aggrieved as a result of the contravention or non-compliance.

Same

(2) For greater certainty, subsection (1) applies in addition to any other remedy available by law to the person aggrieved.

Regulations, end of non-enforcement period

87 The Lieutenant Governor in Council may make regulations prescribing a date for the purposes of the definition of “non-enforcement period” in section 79.

Commencement

3 This Schedule comes into force on the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.

**SCHEDULE 3
ELECTION ACT**

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

“permanent register” and “permanent register of electors” means the permanent register of electors established and maintained under section 17.1; (“registre permanent”, “registre permanent des électeurs”)

2 Section 3.2 of the Act is amended by adding the following subsections:

Same, municipal elections

(3) The Chief Electoral Officer is responsible for all of the functions and responsibilities of the Chief Electoral Officer under the *Assessment Act*, the *Municipal Elections Act, 1996*, the *Municipal Act, 2001* and the *Municipal Property Assessment Corporation Act, 1997*.

Transitional

(4) The Chief Electoral Officer’s functions and responsibilities under the *Municipal Elections Act, 1996* apply with respect to anything necessary for the purposes of by-elections and regular elections that commence on or after January 1, 2024.

3 Section 4.7 of the Act is repealed and the following substituted:

Redaction of information

4.7 Despite any requirement in this or any other Act that the Chief Electoral Officer or a returning officer provide information about a person, the Chief Electoral Officer may, on the request of the person, redact any information that the Chief Electoral Officer reasonably believes would, if made available, endanger the person’s life, health or security.

4 (1) Subsections 17.1 (1) and (1.1) of the Act are repealed and the following substituted:

Permanent register

- (1) The Chief Electoral Officer shall establish and maintain a permanent register of electors for Ontario, to include both,
- (a) persons entitled under this Act to vote at an election to the Assembly; and
 - (b) persons entitled to be an elector at an election held in a local municipality under subsections 17 (2) and (3) of the *Municipal Elections Act, 1996*.

Unique identifiers

(1.1) The permanent register must contain, for each person identified in the register, a unique identifier that is assigned by the Chief Electoral Officer.

(2) Subsection 17.1 (3) of the Act is repealed and the following substituted:

Same

- (3) The following rules apply to updating under subsection (2):
1. In respect of general elections, the permanent register shall be updated with respect to all of Ontario,
 - i. at least once in each calendar year, and
 - ii. as soon as possible after a writ is issued for a general election, unless the most recent previous updating was done within two months before the day the writ is issued.
 2. In respect of a by-election for the Assembly, the permanent register shall be updated with respect to an individual electoral district as soon as possible after a writ is issued for a by-election to be held there, unless the most recent previous updating was done within two months before the day the writ is issued.
 3. In respect of general elections, the permanent register shall be updated with respect to all of Ontario at a registered party’s request. However, in that case the costs of updating, as determined by the Chief Electoral Officer, shall be paid by the party.
 4. In respect of municipal elections, the permanent register shall be updated as often as the Chief Electoral Officer considers necessary or desirable in order to meet the requirements of the *Municipal Elections Act, 1996*.

(3) Paragraph 2 of subsection 17.1 (4) of the Act is amended by adding the following subparagraph:

- v. the Municipal Property Assessment Corporation.

(4) Subsection 17.1 (5) of the Act is amended by striking out “subparagraph iii or iv” and substituting “subparagraph iii, iv or v”.

5 Section 17.1.1 of the Act is repealed and the following substituted:

Electronic system for confirmation of information

17.1.1 The Chief Electoral Officer shall establish and maintain an electronic system to allow persons to verify and confirm information about themselves in the permanent register of electors.

6 Section 17.1.2 of the Act is repealed and the following substituted:

Application re permanent register

17.1.2 (1) A person may apply to have their name added to or removed from the permanent register of electors in accordance with the following rules:

1. In respect of an election to the Assembly, the application shall be accompanied by proof of the person's identity and place of residence in accordance with section 4.2.
2. In respect of an election to the Assembly, during the period that begins with the issue of a writ for an election and ends on the day before polling day, the application may be submitted at a returning office.
3. In respect of an election to the Assembly, at all other times except on polling day, the application may be,
 - i. submitted at the office of the clerk of any municipality with territorial jurisdiction in the electoral district, or
 - ii. sent to the office of the Chief Electoral Officer.
4. In respect of a municipal election, the application shall be accompanied by proof of identity and proof that the person is entitled to be an elector at an election held in a local municipality under subsections 17 (2) and (3) of the *Municipal Elections Act, 1996*.
5. In respect of a municipal election,
 - i. during the times set out in sections 24 and 25 of the *Municipal Elections Act, 1996*, the application may be submitted to the clerk of the municipality in the manner set out in those sections, or
 - ii. at all other times, the application may be sent to the office of the Chief Electoral Officer.

Polling day

(2) An application under subsection (1) in respect of an election to the Assembly may not be made on polling day, but an elector may apply to the deputy returning officer or to a revision assistant under section 47.1 to be added to the list of electors.

7 Subsection 17.4 (4) of the Act is repealed and the following substituted:

Exception

- (4) Subsection (3) does not apply to,
- (a) a person or party who obtains the information under section 17.3;
 - (b) a person or entity who obtains the information from a person or party described in clause (a), if there is compliance with clause (1) (c);
 - (c) the clerk of a municipality who is performing their functions under the *Municipal Elections Act, 1996*, if the clerk provides a written acknowledgement described in clause (1) (c) of this section; or
 - (d) a person to whom the clerk provides information under subsection 23 (3) or (4) of the *Municipal Elections Act, 1996*, if the person provides a written acknowledgment described in subsection 23 (7) of that Act.

8 Section 17.14 of the Act is amended by adding the following subsection:

Municipal elections

(9) The Chief Electoral Officer may conduct a targeted registration program with respect to persons entitled to be an elector at an election held in a local municipality under subsections 17 (2) and (3) of the *Municipal Elections Act, 1996* in calendar years in which a regular election is to be held under that Act, and subsections (2) to (8) of this section apply to such a program with necessary modification.

Commencement

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

**SCHEDULE 4
MUNICIPAL ELECTIONS ACT, 1996**

1 Subsection 1 (1) of the *Municipal Elections Act, 1996* is amended by adding the following definitions:

“Chief Electoral Officer” means the Chief Electoral Officer who holds office under the *Election Act*; (“directeur général des élections”)

“permanent register of electors” means the permanent register of electors for Ontario established and maintained by the Chief Electoral Officer under section 17.1 of the *Election Act*; (“registre permanent des électeurs”)

2 The Act is amended by adding the following section:

Transition

3.1 Despite any amendment made to this Act by Schedule 4 to the *Helping Tenants and Small Businesses Act, 2020*, the relevant provision of this Act, as it existed immediately before the coming into force of the amendment, continues to apply for the purposes of a by-election that commences before January 1, 2024.

3 Subsection 18 (2) of the Act is repealed and the following substituted:

Notice to C.E.O.

(2) A clerk who acts under subsection (1) shall, on or before March 31 in the year of the regular election, inform the Chief Electoral Officer of the boundaries of the voting subdivisions.

4 (1) Subsections 19 (1) to (3.4) of the Act are repealed and the following substituted:

Preliminary list

(1) The Chief Electoral Officer shall prepare and maintain a preliminary list for each local municipality and make it available to the clerk.

Subdivisions

(2) If the local municipality is divided into voting subdivisions, the preliminary list must contain a preliminary list for each voting subdivision.

Permanent register

(3) The preliminary list must be based on the permanent register of electors.

Access to list

(3.1) The clerk may obtain the preliminary list, or any information from the preliminary list, at one or more times before September 1 in the year of a regular election.

(2) **Subsection 19 (5) of the Act is amended by striking out “entered” wherever it appears and substituting in each case “included”.**

5 Section 20 of the Act is repealed and the following substituted:

Homeless persons

20 The Chief Electoral Officer is not required to include on a preliminary list the name of a person whose residence is determined under subsection 2 (3).

6 Subsection 22 (1) of the Act is amended by striking out “Municipal Property Assessment Corporation” and substituting “Chief Electoral Officer”.

7 Section 23 of the Act is amended by adding the following subsections:

Redacted information

(6) A copy of the voters’ list provided under subsection (3) or a part of the voters’ list provided under subsection (4) shall not contain information about a person that has been redacted under section 4.7 of the *Election Act*.

Restrictions

(7) The clerk may not provide a copy of the voters’ list under subsection (3) or a part of the voters’ list under subsection (4) to a person unless the person provides a written acknowledgment that they,

- (a) shall only use it for electoral purposes and shall not use it for commercial purposes;
- (b) are bound by the restrictions in this subsection and subsection (8); and
- (c) may only disclose its content to others after obtaining their written acknowledgement that they are bound by the restrictions in this subsection and subsection (8).

Further rules

(8) The following rules apply to persons who are required to provide a written acknowledgment under subsection (7):

1. In the case of a person who has been provided with a copy of the voters' list from a person described in clauses (3) (a) to (c) or part of the voters' list from a certified candidate under subsection (4),
 - i. they shall not provide it to any other person, and shall not make further copies, either in printed form or electronically,
 - ii. if they received a printed copy, they shall return it to the person who provided it, on or before the date specified by that person, and
 - iii. if they received an electronic copy, they shall destroy it, and shall provide the person who provided it with a written acknowledgment of the destruction, on or before the date specified by that person.
2. Where a person has been provided with a copy of the voters' list under clauses (3) (a) to (c) or a certified candidate has been provided with part of the voters' list under subsection (4), and they have provided it to another person, they shall retain the written acknowledgement provided by each person to whom they provided it, in accordance with paragraph 5.
3. A person who has been provided with a copy of the voters' list under clauses (3) (a) to (c) shall, on or before December 31 in the year of a regular election or 45 days after voting day in a by-election,
 - i. destroy the copy of the voters' list,
 - ii. destroy any printed copies returned to them under subparagraph 1 ii, and
 - iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.
4. A certified candidate who has been provided with part of the voters' list under subsection (4) shall, on or before the day when the candidate's election campaign period ends under subsection 88.24 (1),
 - i. destroy the part of the voters' list,
 - ii. destroy any printed copies returned to them under subparagraph 1 ii, and
 - iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.
5. The written acknowledgements received under this section shall be retained for the term of office of the council or local board and until their successors are elected and the newly elected council or local board is organized.

8 Section 24 of the Act is amended by adding the following subsections:**Addition of name to permanent register**

(5) When a person's name is added to the voters' list under this section, it shall also be added to the permanent register of electors, unless the person objects.

Deletion of name from permanent register

(6) When a person's name is removed from the voters' list under this section, it shall also be deleted from the permanent register of electors, unless the person objects.

9 Section 27 of the Act is repealed and the following substituted:**List of changes****Interim list**

27 (1) During the period beginning on September 20 and ending on September 30 in the year of a regular election, the clerk shall,

- (a) prepare an interim list of changes to the voters' list that,
 - (i) must include changes approved under sections 24 and 25 on or before September 20, and
 - (ii) may include changes based on updated information from the permanent register of electors that the clerk obtains on or before September 20; and
- (b) give a copy of the interim list to each person who received a copy of the voters' list under section 23.

Final list

(2) Within 30 days after voting day, the clerk shall,

- (a) prepare a final list of the changes to the voters' list approved under sections 24 and 25; and

(b) give a copy of the final list of changes to the Chief Electoral Officer.

10 Subsection 43 (6) of the Act is repealed and the following substituted:

Access for candidates

(6) The clerk shall give a copy of any list referred to in subclause (5) (b) (i) to any certified candidate who has made a written request under subsection 23 (4), subject to the restrictions set out in subsections 23 (6) and (7).

11 (1) Paragraph 4 of subsection 65 (4) of the Act is repealed and the following substituted:

- 4. The voters’ list shall be prepared as follows:
 - i. the clerk shall notify the Chief Electoral Officer that a by-election is required,
 - ii. the clerk shall, at least 21 days before nomination day, obtain the preliminary list or the part of it that is required for the by-election,
 - iii. the clerk shall make corrections to the preliminary list as soon as possible after obtaining the list, and
 - iv. the corrected list constitutes the voters’ list.

(2) Subsection 65 (4) of the Act is amended by adding the following paragraph:

- 5.1 Within 30 days after voting day, the clerk shall,
 - i. prepare a final list of the changes to the voters’ list approved under sections 24 and 25, and
 - ii. give a copy of the final list of changes to the Chief Electoral Officer.

(3) Paragraph 3 of subsection 65 (5) of the Act is repealed and the following substituted:

- 3. The voters’ list shall be prepared as follows:
 - i. the clerk shall notify the Chief Electoral Officer that a by-election is required and,
 - A. for a by-law under clause 8 (1) (a) or a question under subsection 8 (2) or (3), the clerk shall, within 10 days after the clerk notifies the Chief Electoral Officer that a by-election is required, obtain the preliminary list that is required for the by-election, or
 - B. for a question under clause 8 (1) (b) or (c), the clerk shall, at least 60 days before voting day, obtain the preliminary list that is required for the by-election,
 - ii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after obtaining the list, and
 - iii. the corrected list constitutes the voters’ list.

(4) Subsection 65 (5) of the Act is amended by adding the following paragraph:

- 3.2 Within 30 days after voting day, the clerk shall,
 - i. prepare a final list of the changes to the voters’ list approved under sections 24 and 25, and
 - ii. give a copy of the final list of changes to the Chief Electoral Officer.

12 (1) Section 88 of the Act is amended by adding the following subsections:

Redacted information

(6.2) Subsection (5) does not apply to information about a person that has been redacted under section 4.7 of the *Election Act*.

Restriction

(7.1) Subsection (7) does not entitle a person to make extracts from, or copies of, the voters’ list, unless authorized to do so by a court order.

(2) Subsection 88 (9) of the Act is amended by striking out “subsection (6)” and substituting “subsection (6.1) or (7.1)”.

13 (1) Subsection 88.9.1 (2) of the Act is repealed and the following substituted:

Number of electors, regular election

- (2) For the purposes of subsection (1), for a regular election the number of electors is the greater of the following:
 - 1. The number determined from the voters’ list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

(2) Paragraph 1 of subsection 88.9.1 (3) of the Act is repealed and the following substituted:

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

(3) Clause 88.9.1 (4) (a) of the Act is amended by striking out "September 25" and substituting "September 30".

(4) Subsection 88.9.1 (7) of the Act is repealed and the following substituted:

Transition

(7) For the 2026 regular election, the maximum amount determined under subsection (1) shall be determined as if paragraph 1 of subsection (2) read as follows:

1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.

14 (1) Subsection 88.20 (11) of the Act is repealed and the following substituted:

Number of electors, regular election

(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.
2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

(2) Paragraph 1 of subsection 88.20 (12) of the Act is repealed and the following substituted:

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

(3) Clause 88.20 (13) (a) of the Act is amended by striking out "September 25" and substituting "September 30".

(4) Subsection 88.20 (15) of the Act is repealed and the following substituted:

Transition

(15) For the 2026 regular election, the maximum amount determined under subsection (6) shall be determined as if paragraph 1 of subsection (11) read as follows:

1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.

15 (1) Subsection 88.21 (11) of the Act is repealed and the following substituted:

Number of electors, regular election

(11) Subject to subsection (16), for the purpose of applying the prescribed formula for a regular election, the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.
2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

(2) Paragraph 1 of subsection 88.21 (12) of the Act is repealed and the following substituted:

1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

(3) Subsection 88.21 (13) of the Act is repealed and the following substituted:

Same, regular or by-election

(13) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (12), the number shall be determined using the voters' list from the previous regular election as the list existed on,

- (a) September 15 in the year of the previous regular election, if the formula is being applied for the purposes of the 2026 regular election; or
- (b) September 20 in the year of the previous regular election, if the formula is being applied for the purposes of an election in any other year.

(4) Clause 88.21 (14) (a) of the Act is amended by striking out "September 25" and substituting "September 30".

Municipal Act, 2001

16 Subsection 222 (9.1) of the *Municipal Act, 2001* is amended by adding "and the Chief Electoral Officer" at the end of the portion before clause (a).

Commencement

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

SCHEDULE 5
MUNICIPAL PROPERTY ASSESSMENT CORPORATION ACT, 1997

1 Section 12 of the *Municipal Property Assessment Corporation Act, 1997* is amended by adding the following subsection:

No charge for election information

(5.1) Despite subsection (5), the Corporation shall not levy a charge for providing information requested by the Chief Electoral Officer under section 17.1 of the *Election Act* for the purposes of establishing and maintaining a permanent register of electors.

Commencement

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

SCHEDULE 6
REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

1 Section 1 of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* is amended by adding the following definitions:

“occupier” has the same meaning as in the *Trespass to Property Act*; (“occupant”)

“premises” has the same meaning as in the *Trespass to Property Act*. (“lieux”)

2 The Act is amended by adding the following section:

Temporary closure by police, etc.

9.1 (1) A police officer, special constable or First Nations Constable may order that premises be temporarily closed if the police officer, special constable or First Nations Constable has reasonable grounds to believe that an organized public event or other gathering is occurring at the premises and that the number of people in attendance exceeds the number permitted under a continued section 7.0.2 order.

Compliance with order

(2) Every individual who is on the premises shall comply with the order to temporarily close the premises by promptly vacating the premises after being informed of the order.

Same

(3) No individual shall re-enter the premises on the same day that the premises were temporarily closed under subsection (1) unless a police officer, special constable or First Nations Constable authorizes the re-entry.

Exception for residents

(4) Subsections (2) and (3) do not apply to individuals residing in the premises.

3 Subsection 10 (1) of the Act is amended by adding “with subsection 9.1 (2) or (3) or” after “comply”.

4 The Act is amended by adding the following section:

Offence for occupier of premises

10.1 (1) A person is guilty of an offence if the person hosts or organizes a public event or other gathering at residential premises or other prescribed premises and the number of people in attendance exceeds the number permitted under a continued section 7.0.2 order.

Presumption that owner, etc. is hosting or organizing

(2) If the owner or occupier of premises at which a public event or other gathering is held is present at the event or gathering, the owner or occupier is presumed, in the absence of evidence to the contrary, to be hosting or organizing the event or gathering.

Penalties

(3) A person who is convicted of an offence under subsection (1) is liable,

- (a) in the case of an individual, subject to clause (b), to a fine of not less than \$10,000 and not more than \$100,000 and for a term of imprisonment of not more than one year;
- (b) in the case of an individual who is a director or officer of a corporation, to a fine of not less than \$10,000 and not more than \$500,000 and for a term of imprisonment of not more than one year; and
- (c) in the case of a corporation, to a fine of not less than \$10,000 and not more than \$10,000,000.

Applicable provisions

(4) Subsections 10 (2) to (4) apply, with necessary modifications, with respect to offences under subsection (1).

Regulations

(5) The Lieutenant Governor in Council may make regulations prescribing premises for the purposes of subsection (1).

Commencement

5 This Schedule comes into force on the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.

**SCHEDULE 7
RESIDENTIAL TENANCIES ACT, 2006**

1 Section 120 of the *Residential Tenancies Act, 2006* is amended by adding the following subsections:

Guideline for 2021

(3.1) The guideline for the calendar year 2021 is zero per cent, despite subsection (2) and despite the guideline published under subsection (3) in *The Ontario Gazette* for 2021.

Same

(3.2) The Minister is not required to have the guideline for the calendar year 2021, as set out in subsection (3.1), published in *The Ontario Gazette*.

2 The Act is amended by adding the following Part:

**PART VII.1
RENT FREEZE, 2021**

Rent freeze period

Definition

136.1 (1) In this section,

“rent freeze period” means the period that begins on January 1, 2021 and ends on December 31, 2021.

Non-application, certain rent increases

(2) This section does not apply with respect to,

- (a) accommodation described in clause 6 (1) (a) or (b);
- (b) an increase in rent for a rental unit taken in accordance with an agreement under section 121 or 123;
- (c) an increase in rent for a rental unit permitted under subsection 126 (10) or section 127 for,
 - (i) an extraordinary increase in the cost for municipal taxes and charges as described in paragraph 1 of subsection 126 (1), if the increase in rent is permitted by an order of the Board that was issued before the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent,
 - (ii) eligible capital expenditures as described in paragraph 2 of subsection 126 (1), or
 - (iii) operating costs related to security services as described in paragraph 3 of subsection 126 (1); or
- (d) an increase in rent payable by an assignee under a tenancy agreement for a site for a mobile home or a site on which there is a land lease home in accordance with section 165.

No rent increase during rent freeze period

(3) No landlord shall increase the rent charged to a tenant during the rent freeze period, even if notice of the increase was given before the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.

Clarification, notice during rent freeze period

(4) For greater certainty, nothing in subsection (3) prohibits a landlord from giving a notice during the rent freeze period of a rent increase that takes effect after the rent freeze period.

Conflict, *Housing Services Act, 2011*, rent geared to income

(5) For greater certainty, in the event of a conflict between this section and a regulation made under section 50 of the *Housing Services Act, 2011*, this section prevails.

3 The Act is amended by adding the following section:

Transition regulations, *Helping Tenants and Small Businesses Act, 2020*

241.4 (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 7 to the *Helping Tenants and Small Businesses Act, 2020*.

Same

(2) A regulation made under subsection (1) 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 7 to the *Helping Tenants and Small Businesses Act, 2020* and which were commenced before the commencement date of the amendment.

Commencement

4 This Schedule comes into force on the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.