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Bill 222

An Act to amend various Acts in respect of transportation-related matters

The Hon. C. Mulroney
Minister of Transportation

Government Bill

1st Reading October 22, 2020
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 BUILDING TRANSIT FASTER ACT, 2020

The *Building Transit Faster Act, 2020* is amended to allow other provincial transit projects to be prescribed for the purpose of the definition of “priority transit project” and to make consequential amendments.

SCHEDULE 2 PUBLIC SERVICE WORKS ON HIGHWAYS ACT

The *Public Service Works on Highways Act* is amended to provide that if a utility company fails to comply with certain notices or orders under the Act, a judge of the Superior Court of Justice may order the utility company to comply with the order or authorize a road authority to carry out the work described in the notice.

SCHEDULE 3 TRANSIT-ORIENTED COMMUNITIES ACT, 2020

The Schedule amends the *Transit-Oriented Communities Act, 2020* to permit other provincial transit projects to be prescribed by regulation as “priority transit projects”.

A new section gives powers to the Minister for the purpose of investing assets in, supporting or developing transit-oriented community projects related to provincial priority transit projects. The Minister may delegate these powers to Metrolinx or another prescribed public body. The Schedule also adds related regulation-making powers and makes a consequential amendment to the *Ministry of Infrastructure Act, 2011*.

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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 *Ontario Rebuilding and Recovery Act, 2020*.

**SCHEDULE 1
BUILDING TRANSIT FASTER ACT, 2020**

1 Section 1 of the Act is repealed and the following substituted:

Purpose

1 The purpose of the Act is to expedite the delivery of transit projects of provincial significance by removing barriers and streamlining processes that may result in delays to the timely completion of these transit projects, while enhancing coordination and engagement with and being fair to public and private sector stakeholders.

2 (1) The definition of “priority transit project” in section 2 of the Act is amended by striking out “or” at the end of clause (c), adding “or” at the end of clause (d) and adding the following clause:

(e) any other prescribed provincial transit project.

(2) The French version of the definition of “utility infrastructure” in section 2 of the Act is amended by striking out “au-dessus” after “publics”.

3 The French version of clause 42 (5) (a) of the Act is amended by striking out “moment” and substituting “montant”.

4 The French version of subclause 62 (3) (b) (i) of the Act is amended by adding “ou de la *Loi sur l’enregistrement des actes*” after “*Loi sur l’enregistrement des droits immobiliers*”.

5 Subsection 84 (1) of the Act is amended by adding the following clause:

(0.a) prescribing provincial transit projects for the purpose of the definition of “priority transit project”;

Commencement

6 This Schedule comes into force on the day the *Ontario Rebuilding and Recovery Act, 2020* receives Royal Assent.

SCHEDULE 2
PUBLIC SERVICE WORKS ON HIGHWAYS ACT

1 The *Public Service Works on Highways Act* is amended by adding the following section:

Court order

4 If a utility company fails to comply with a notice under subsection 2 (1) or an order under subsection 2 (4), a judge of the Superior Court of Justice may, on an application made by the road authority,

- (a) order the utility company to comply; or
- (b) authorize the road authority to carry out the work described in the notice.

Commencement

2 This Schedule comes into force on the day the *Ontario Rebuilding and Recovery Act, 2020* receives Royal Assent.

SCHEDULE 3
TRANSIT-ORIENTED COMMUNITIES ACT, 2020

1 (1) The definition of “priority transit project” in section 1 of the *Transit-Oriented Communities Act, 2020* is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding the following clause:

(e) any other provincial transit project prescribed by the regulations;

(2) The definition of “transit-oriented community project” in section 1 of the Act is repealed and the following substituted:

“transit-oriented community project” means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project, and includes a development project located on transit corridor land within the meaning of the *Building Transit Faster Act, 2020*. (“projet communautaire axé sur le transport en commun”)

2 Sections 4 and 5 of the Act are repealed and the following substituted:

Investing in a transit-oriented community project

4 (1) The Minister may, subject to the approval of the Lieutenant Governor in Council, establish, acquire, manage, participate in or otherwise deal with corporations, partnerships, joint ventures or other entities for the purpose of investing assets in, supporting or developing transit-oriented community projects related to provincial transit projects prescribed by the regulations for the purposes of the definition of “priority transit project”.

Borrowing and risk management

(2) When acting under subsection (1), the Minister may borrow or manage financial risks as long as,

- (a) the Minister of Finance has, in writing, approved the borrowing or management; and
- (b) the Ontario Financing Authority co-ordinates and arranges the borrowing or management, unless otherwise agreed to in writing by the Minister of Finance.

Investment policy

(3) The Minister shall ensure that every entity referred to in subsection (1) invests any funds that it receives either directly or indirectly from the Minister in accordance with an investment policy that has been approved in writing by the Minister of Finance.

Delegation to Metrolinx

(4) The Minister may, by regulation, delegate the Minister’s powers under subsection (1) in whole or in part to any of the following entities, subject to any conditions and restrictions set out in the regulation:

- 1. Metrolinx.
- 2. A public body, within the meaning of the *Public Service of Ontario Act, 2006*, that is prescribed for the purpose of this section by the Lieutenant Governor in Council.

Regulations

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

- (a) prescribing provincial transit projects for the purpose of the definition of “priority transit project”;
- (b) prescribing and governing any additional powers that the Minister may require in order to carry out the activities set out in subsection 4 (1);
- (c) prescribing and governing any limitations to permitted activities for the purposes of subsection 4 (1);
- (d) prescribing provisions of the *Corporations Act*, *Business Corporations Act* and *Corporations Information Act* that apply or do not apply to any particular corporation referred to in subsection 4 (1) and, in the case of provisions prescribed as applying, prescribing such modifications of those provisions as the Lieutenant Governor in Council considers necessary or advisable;
- (e) providing that an entity referred to in subsection 4 (1) is or is not a Crown agent;
- (f) prescribing and respecting the governance structure, purposes, powers or duties for a partnership, joint venture or other entity referred to in subsection 4 (1) that is not a corporation;
- (g) prescribing public bodies for the purpose of paragraph 2 of subsection 4 (4) and governing and providing for other matters relating to the prescribing of public bodies for the purpose of that provision;
- (h) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for the purposes of section 4, including to ensure that an entity referred to in subsection 4 (1) may effectively carry out its purposes, powers and duties.

Same

(2) The Minister may make regulations delegating the Minister's powers for the purpose of subsection 4 (4), and prescribing conditions and restrictions that apply to the delegation.

Ministry of Infrastructure Act, 2011

3 Subsection 7.1 (5) of the *Ministry of Infrastructure Act, 2011* is repealed and the following substituted:

Definitions

(5) In this section,

“priority transit project” means,

- (a) the line known as the Ontario Line located in the City of Toronto,
- (b) the subway extension known as the Scarborough Subway Extension, and also known as the Line 2 East Extension, located in the City of Toronto,
- (c) the subway extension known as the Yonge Subway Extension, and also known as the Yonge North Subway Extension, extending from within the City of Toronto to within the Regional Municipality of York, or
- (d) the light rail transit extension known as the Eglinton Crosstown West Extension extending westward from within the City of Toronto at the station known as Mount Dennis; (“projet de transport en commun prioritaire”)

“transit-oriented community project” means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project, and includes a development project located on transit corridor land within the meaning of the *Building Transit Faster Act, 2020*. (“projet communautaire axé sur le transport en commun”)

Commencement

4 This Schedule comes into force on the day the *Ontario Rebuilding and Recovery Act, 2020* receives Royal Assent.