

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

PH-9

**Journal
des débats
(Hansard)**

PH-9

**Standing Committee
on Procedure
and House Affairs**

**Comité permanent
de la procédure
et des affaires de la Chambre**

1st Session
44th Parliament

Wednesday 21 January 2026

1^{re} session
44^e législature

Mercredi 21 janvier 2026

Chair: Teresa J. Armstrong
Clerk: Christopher Tyrell

Présidente : Teresa J. Armstrong
Greffier : Christopher Tyrell

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

Hansard Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400
Published by the Legislative Assembly of Ontario



Journal des débats et services linguistiques
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400
Publié par l'Assemblée législative de l'Ontario

ISSN 2816-7295

CONTENTS

Wednesday 21 January 2026

Briefing.....PH-19

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON PROCEDURE
AND HOUSE AFFAIRS**

**COMITÉ PERMANENT
DE LA PROCÉDURE
ET DES AFFAIRES DE LA CHAMBRE**

Wednesday 21 January 2026

Mercredi 21 janvier 2026

The committee met at 1333 in committee room 2.

BRIEFING

The Chair (Ms. Teresa J. Armstrong): Good afternoon, everyone. The Standing Committee on Procedure and House Affairs is now in session.

We have with us today Tamara Kuzyk, registrar of regulations with the Office of Legislative Counsel. She is here to provide the committee with an overview of regulations in advance of the committee considering its draft report on regulations later today. She will also be available to answer any questions that the committee members may have.

Now I will turn it over to Ms. Kuzyk.

Ms. Tamara Kuzyk: Thank you very much for having me. I have a presentation which is displayed on the screen there that I'll move through, but of course, feel free to raise questions as the mood strikes.

Just a quick overview of the presentation: I'm briefly going to discuss what regulations are and aren't; the kinds of things that they can do and who makes them; and then get into some metrics on types of regulations, numbers of regulations and discuss some related matters.

To give you a sense of why I'm here talking about this, I am the registrar of regulations. I am first, though, a drafter, legislative counsel with the Office of Legislative Counsel, which is part of the Ministry of the Attorney General. Our office does all the drafting of bills and regulations for the government.

I am additionally appointed by the Lieutenant Governor as registrar of regulations. In that capacity, I have two primary functions, one substantive and one procedural. The substantive one is, within my office, I assist with the drafting and preparation of regulations. In terms of my procedural role, I support and lead the office of the registrar, which is where regulations get filed and centrally indexed and numbered—and I'll get into that function later in the presentation.

I think a good starting point is to really distinguish between the instrument that is a regulation and regulating or regulatory burdens, because there can be overlaps between the two. A regulation instrument can set out rules, can require people to do things, but regulations can do many things besides and other things besides. The converse is also true: Many things regulate in Ontario that are

not regulations—ministers' orders, for example, or various directives that might be issued under a statute. These are really kind of distinct concepts that sometimes overlap, but a regulation is really the method by which rules are made.

To give you a sense of the kinds of things that are regulations in Ontario: Yes, it would be requirements under various environmental legislation; it would also be court rules, child support guidelines, emergency orders—when we had more of them. Deputy judge per diems are set out by regulation. So you can see a real range of subject matter, and not necessarily regulatory burdens or regulations can be addressed by the instruments that are regulations made under an act.

Regulations are statutory instruments. What does that mean? They are the instrument by which the Legislature can delegate some of its law-making authority. They're not the only instrument. As I was saying, sometimes the Legislature can give a minister an order-making authority to handle a subject matter or a directive-making authority to handle a subject matter. But they're the primary way of delegating law-making authority, and they are considered to be legislative in nature.

Why would the Legislature choose to do this? We know that the Legislature has law-making functions and sets up statutory schemes, but sometimes the details of those statutory schemes might really be getting into the weeds of what a particular ministry would be dealing with operationally, or the details might have to change as conditions on the ground change. Delegating that aspect of law-making authority to a minister or to another regulation-maker lets the Legislature build a bit of flexibility into its statutory scheme. So it would set out the framework, and it can delegate some of the filling in of the details, as they might change from time to time, to a regulation-maker.

Now, because a regulation-making authority is always a delegated law-making authority, it is subject to inherent constraints. Of course, a regulation-maker can't do something that the Legislature itself couldn't do because that would be beyond what the Legislature could delegate, and the regulation-maker can only do what the Legislature delegates to them; it can't go outside of the scope of that delegation. So regulations are inherently subordinate to the acts under which they are made. And that is really why there would be a function of a standing committee like this: to review regulations, to ensure that they do fall within

the delegated scope of authority and don't step outside of what the Legislature would have presumptively intended the regulation-maker to be able to do.

Mr. Sheref Sabawy: A question?

Ms. Tamara Kuzyk: Yes?

Mr. Sheref Sabawy: The second item: "Regulation-maker can't do something that the Legislature couldn't do"—any examples?

Ms. Tamara Kuzyk: Something unconstitutional or—I think that would be maybe the main constraint, something unconstitutional. I'm trying to think if there's another ready example. Another ready example is not coming to mind. I think that would be the primary example that they couldn't do, because the Legislature has broad law-making authorities, obviously. They couldn't do something affecting jurisdiction. That would be another example that the Legislature wouldn't have competence to deal with—like, for example, do something that the feds have jurisdiction to deal with.

1340

Mr. Sheref Sabawy: So is it safe to say that if the Legislature can vote on it, they can be delegated? So basically delegating the power of having to vote on it, to downgrade it to delegations so that it doesn't have to be voted on.

Ms. Tamara Kuzyk: I think that's generally true, although you touch on an area that's been the subject of much debate over the years because there have been constitutional and other arguments that there should be limits, or maybe that there are inherent limits, to what the Legislature should be able to delegate.

For example, historically there has been a concern about the Legislature giving authority to a regulation-maker to make regulations that would override an act, that would literally take precedence over an act, so there were concerns about that. Increasingly, courts are seeing that as fully within the Legislature's purview to delegate, but there used to be, I think it's fair to say, historically more concerns and more conversations about what's appropriate to delegate.

I believe that under the current case law, it's pretty open-ended in terms of what the Legislature can delegate, as long as it's within the Legislature's own competence and sphere of control.

Mr. Sheref Sabawy: Can I classify that it's appropriate under the discretion of the Legislature?

Ms. Tamara Kuzyk: Sorry; I missed that.

Mr. Sheref Sabawy: The word "appropriate," can it not be described as up to the discretion of the Legislature to do that? Because the word "appropriate" is—like, there's no black and white here.

Ms. Tamara Kuzyk: No, that's right. And I think that that's why it's been the subject of debate in the courts and debate amongst legal commentators and scholars.

But if I'm understanding the question, basically what the Legislature can choose to do itself is, for the most part, it can delegate to a regulation-maker. I would say that under the leading Supreme Court of Canada case on this, there is kind of a bit of an end point, which is, if the Legis-

lature basically entirely gives up its law-making function—like, just steps away from its law-making function and actually does not make any kind of law, it just delegates everything, so it fails to legislate—that would be going too far. But as far as I'm aware, we haven't seen that example in the case law.

Mr. Sheref Sabawy: I'm sorry, guys. I just have one more question. In that case of a dispute about some regulation that the Legislature delegated, then a regulation was come up with that the Legislature doesn't really like, they can overwrite it?

Ms. Tamara Kuzyk: Regulations are mostly government-made, so in a majority context, it would be unlikely that a regulation would be made—

Mr. Sheref Sabawy: Unlikely, but is it still the power of the Legislature to override?

Ms. Tamara Kuzyk: The Legislature could override a regulation that's been made.

Mr. Sheref Sabawy: Okay.

Ms. Tamara Kuzyk: I think that might have happened to some extent with some of the greenbelt regulations that were made, and then had to kind of be overridden, and the Legislature did that quite expressly.

Mr. Sheref Sabawy: Okay. I'm just asking from the constituent point of view.

Ms. Tamara Kuzyk: It is unusual, but it's within the Legislature's competence.

Mr. Sheref Sabawy: Thank you.

I'm sorry, guys. I'm sorry for interrupting.

Ms. Tamara Kuzyk: They were all really great questions. It's the sort of thing we could talk about for a while.

This kind of gets, actually, to what we were just discussing a little bit: How much can a regulation do? It absolutely depends on what the act says because the Legislature will, in an act, set out the scope of the regulation-making authority, and what it chooses to set out will depend on the policy decisions that are made and what the Legislature votes for.

You can have regulation-making authorities that are very narrow and really just provide very specific details that are left for the ministry to sort out, or they can be very, very broad. They can delegate to the regulation-maker authority to set up various schemes like providing for the development of electricity infrastructure frameworks. It really depends on what is in the act, which depends on what the Legislature decides to vote for.

In terms of who can make regulations, this will always be specified in the act—it needs to be express. Typically, it will be the Lieutenant Governor in Council—that's the LG—with cabinet advice. It's often a specified minister. It can be a different person or body.

For example, the Association of Professional Engineers of Ontario, their council is a regulation-making body under the Professional Engineers Act, so it needn't be a government body that can make regulations. However, in such a case, it's very typical to have a two-step regulation-making process, where there is a regulation-maker but that's subject to someone's approval, and that would typ-

ically be either the Lieutenant Governor in Council or a minister. In the case of the engineers, their council can make regulations, but those regulations are subject to the approval of the Lieutenant Governor in Council.

To give an example of what this looks like, here is the Bees Act, which I always like to cite. The act itself has a provision requiring beekeepers to make returns in accordance with regulations. Then there is a separate regulation-making authority, giving the regulation-making authority to the Lieutenant Governor in Council. And you can see there, it's quite a narrow regulation-making authority, just prescribing the returns that have to be made, so filling in those details. And then, here is the applicable excerpt from regulation 57 made under the act where the LGC has prescribed the information that needs to go into the return. This is kind of bringing it full circle.

Again, you'll have the main provision, a regulation-making authority that specifies who can make the regulation and the scope of the regulation-making authority and then, eventually, if they decide to act, the regulation itself.

When questions arise about the appropriate exercise of a regulation-making authority, leaving aside constitutional questions, very often, it will be, first of all, did the right person make the regulation? But also, did that regulation-maker act within the delegated law-making authority?

There are, broadly speaking, three categories of regulations. You have new regulations, which will establish a new, stand-alone regulation; amending regulations will alter an existing regulation; and a revoking regulation gets rid of other regulations. The reason I put this up is to flag that, just like with the bills—to do anything with an act, whether you want to make one, change one, get rid of one, you need a bill. It's the same thing with regulations. To do anything with a regulation, you need a regulation. I mention this because when you see a number of, "Oh, this was the number of regulations that were made in Ontario this year," not all of those are new regulations. They could be getting rid of regulations. They could be changing regulations in various ways.

To give a sense of the most recent numbers, you'll see that, in 2025, there were 405 regulations that were made, and just about 19% of them were actually kind of new, stand-alone regs. The vast majority—which is that, I'm not sure if you'd call it forest green; the broadest green chunk—is amending regulations. You can see the number of stand-alone regulations that we currently have; it's just under 2,200.

Some related matters to be aware of with regulations: You'll know that bills need to be bilingual, by law. There is currently no law that requires regulations to be bilingual. Having said that, as a matter of practice, most new regulations are just made bilingually. They just are. And there have been ongoing efforts for years to translate unilingual, English-only regulations, and to amend them to add French versions. That's been an ongoing process and we're at the point now where about 70% of Ontario regulations are bilingual, and that number goes up every year.

Finally, I had talked earlier about the office of the registrar of regulations, and that regulations get filed. A regulation is made by the reg-maker signing and dating it, but that doesn't do anything legally. In order to have legal effect, a regulation needs to be filed with the office of the registrar of regulations. This is a centralized filing and indexing office.

1350

When the regulation gets sent in for filing, it gets assigned its number. That's where you sometimes see regulations with "150/25." That's us assigning the number. And that filed regulation is the official law when it comes to that regulation

By law, every regulation that's filed in our office is required to be published electronically on the e-Laws website as well as in the Ontario Gazette, and it's our office that basically kicks off that process and manages most of the publication process to ensure that those legal obligations are met.

That is, I believe, the end of my presentation.

Mr. Aris Babikian: I have a question

The Chair (Ms. Teresa J. Armstrong): Yes.

Mr. Aris Babikian: The slide before the last, when you showed the percentage of the new regulations—you mentioned here revoking. Under what circumstances is a regulation revoked?

Ms. Tamara Kuzyk: Sometimes a regulation is spent, so the subject matter that it deals with is not applicable anymore. This could be because the act under which it was made was amended so that subject matter is not dealt with anymore or it's dealt with in a different way. The regulation itself wouldn't have any ongoing application, and so it's revoked to get rid of it.

Another circumstance is if it's being replaced. Sometimes, you might need a new regulation, and so you get rid of the old one and set up a replacement regulation. That could be another circumstance in which you would revoke a regulation.

There are other circumstances, probably, but I think that those are the two main ones.

Mr. Aris Babikian: And whose jurisdiction is it to revoke the regulation?

Ms. Tamara Kuzyk: The regulation-maker. A regulation-maker, even though it talks about "maker," has the authority to amend and revoke. Anything they can make, they can amend and revoke. They take all of those actions.

In addition, the Lieutenant Governor in Council does have some statutory authority to revoke regulations that don't have any application anymore, but that's not really exercised. It's typically the regulation-maker that does that.

Mr. Aris Babikian: Okay. Thank you.

The Chair (Ms. Teresa J. Armstrong): Any other questions?

Mr. Sheref Sabawy: Yes.

The Chair (Ms. Teresa J. Armstrong): MPP Sabawy.

Mr. Sheref Sabawy: So, number one: When there is a law by the lawmakers delegating some authority to a minister or ministry or any other to do some regulations

and then this bill gets changed, does this delegation have to be reassigned automatically?

Let's say this is Bill 65 for 2020, and then it got, in the same area, another bill, Bill 60, in 2025. Does the delegation which was done through that have to be reinstated through the new bill? Does it automatically get removed based on that bill already being retired and there's a new bill now?

Ms. Tamara Kuzyk: It's a great question. The answer is no, it doesn't need to be. I didn't get into it in this presentation, but there's a statute that governs legislation called the Legislation Act, and it has a number of provisions that deal exactly with issues like this. So the delegation doesn't need to be reconfirmed. If the regulation authority itself has not been changed in a way to change its scope, then the regulation is considered just to continue to apply and the reg authority is considered to continue to apply.

There's a provision in the act that provides that if the Legislature changes who the regulation-maker is by amending the act—say it's the Lieutenant Governor in Council and the Legislature wants to make it a minister's reg instead—those regulations made by the LGC continue, and the minister can then go on to amend them, revoke them, this sort of thing. It kind of just travels on with the minister so that exactly these kinds of things don't need to keep being reinstated and reinforced. There's this kind of survival.

Mr. Sheref Sabawy: Understood. My question was going in the way that, if somebody made a regulation and another body didn't like it, went to the court and said, "This authority was delegated by this bill," now this bill is the governor for this and it doesn't have the authority to do this. It's deemed to be unauthorized regulation.

Ms. Tamara Kuzyk: Right. There might be questions where you have replacement acts, for example, or significant replacements where a question might arise as to where the reg authority actually lies, and that could be the subject of a case challenging a made regulation. It's not a circumstance that tends to arise, because usually, regulations will just get revoked if they're not wanted anymore and get replaced or, because of these Legislation Act provisions, they will just go ahead and survive, absent significant amendment to the parent statute, to the governing statute.

Mr. Sheref Sabawy: Second question: Where does the court come in this place? If somebody issued a case, sued the government or sued a body for that specific regulation and they win the case, per se, for whatever reason, can the

court imply that this regulation has to be modified to cover up for that? Do the court orders have authority to force changes on this regulation or not?

Ms. Tamara Kuzyk: Yes. Regulations can be challenged on constitutional basis. Someone can bring a constitutional challenge that a regulation is constitutionally problematic. People can bring judicial review applications after a regulation is made, challenging the authority to make the regulation, and that does happen a lot. The court would really be addressing the question of whether the regulation is constitutional or whether the regulation-maker acted within their scope of authority.

If the court determines that the regulation-maker didn't, for example, act within their scope of authority and they overstepped it, they can declare the problematic portions of the regulations to be of no force or effect. There's a variety of different remedies that the court could impose. I don't pretend to be an expert in that, but the court can definitely take steps to ensure that a legally problematic regulation does not have application.

Mr. Sheref Sabawy: So does this come back to the registration part? Where does the court go back? Do the courts send that—

Ms. Tamara Kuzyk: Yes. Say the court has a problem with a regulation and it says, "Okay, regulation X is unauthorized." This would then become an issue for the ministry responsible for the act. They would have to consider, "Okay, well, how do we respond to this?"

Eventually, that might come to our office as instructions to draft different things that would address the problem, but I would not have a direct role in terms of what the court might determine—it coming back to me.

Mr. Sheref Sabawy: Exactly. That's my question. Have they ever been back to the—

Ms. Tamara Kuzyk: Not to me, no.

Mr. Sheref Sabawy: No. Okay. Thank you.

The Chair (Ms. Teresa J. Armstrong): Any other members have any questions for Ms. Kuzyk?

Seeing that there aren't any, thank you so much for your presentation, Ms. Kuzyk, and for appearing here today, informing us of all this really insightful information on regulations.

Ms. Tamara Kuzyk: My pleasure.

The Chair (Ms. Teresa J. Armstrong): You are now excused so that the committee can move into a closed session and consider its report.

The committee recessed at 1359 and later continued in closed session.

STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

Chair / Présidente

Ms. Teresa J. Armstrong (London–Fanshawe ND)

First Vice-Chair / Première Vice-Présidente

Ms. Laura Smith (Thornhill PC)

Second Vice-Chair / Deuxième Vice-Président

Mr. Ted Hsu (Kingston and the Islands / Kingston et les Îles L)

Mr. Tyler Allsopp (Bay of Quinte / Baie de Quinte PC)

Ms. Teresa J. Armstrong (London–Fanshawe ND)

Mr. Jeff Burch (Niagara Centre / Niagara-Centre ND)

MPP Billy Denault (Renfrew–Nipissing–Pembroke PC)

M^{me} Dawn Gallagher Murphy (Newmarket–Aurora PC)

Mr. Ted Hsu (Kingston and the Islands / Kingston et les Îles L)

Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)

Ms. Laura Smith (Thornhill PC)

MPP Paul Vickers (Bruce–Grey–Owen Sound PC)

Substitutions / Membres remplaçants

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Hardeep Singh Grewal (Brampton East / Brampton-Est PC)

Mr. Sheref Sabawy (Mississauga–Erin Mills PC)

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Tamara Kuzyk, legislative counsel

Mr. Andrew McNaught, research officer,
Research Services