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Bill 100

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

The Hon. V. Fedeli
Minister of Finance

Government Bill

1st Reading April 11, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 AGGREGATE RESOURCES ACT

The Schedule amends section 62.1 of the *Aggregate Resources Act* which currently requires licensees and permittees under the Act to give notice of any change in their name and address to the Minister and the Aggregate Resources Trust. The amendment requires the licensees and permittees to give notice of any change in their name, address and other prescribed contact information to a prescribed person.

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

Currently, subsections 27 (1.1), (2) and (2.1) of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* provide for an increase, effective April 1, 2019, in the basic tax payable on purchases of wine and wine coolers. The Act is amended so that the increase does not take effect until January 1, 2020. Transition rules are also provided with respect to any payments at the increased rate.

SCHEDULE 3 ARCHIVES AND RECORDKEEPING ACT, 2006

The Schedule makes various amendments to the *Archives and Recordkeeping Act, 2006*, including the following:

1. The purpose of the Act and the objects of the Archives of Ontario are amended to include reference to “effective government administration”.
2. The definition of “record” is amended to include a reference to “data”.
3. Section 11 of the Act is amended to provide the Archivist with the authority to prepare records retention schedules for use by a public body.
4. Currently, subsection 25 (1) of the Act requires the Archivist, at the request of the Management Board of Cabinet, to establish standards and guidelines for public bodies to facilitate the preservation of records of archival value. The subsection is amended such that the standards and guidelines may relate more broadly to recordkeeping practices.

SCHEDULE 4 BEES ACT

The Schedule amends the *Bees Act* to expand the method of delivering inspectors’ orders made under sections 5, 6 and 19 of the Act and notices of a Director’s decision on appeal from such orders under section 7 of the Act. Currently, the Act provides that inspectors’ orders may only be delivered by prepaid mail or in person by the inspector and that the notices of a Director’s decision may only be delivered by prepaid mail. The Schedule eliminates the references to prepaid mail and replaces them with references to registered mail and courier. The Schedule also provides for the delivery of inspectors’ orders and of notices of a Director’s decision by email. The Schedule sets out rules relating to the deemed receipt of these orders and notices.

SCHEDULE 5 BROADER PUBLIC SECTOR EXECUTIVE COMPENSATION ACT, 2014

The Schedule amends the *Broader Public Sector Executive Compensation Act, 2014*. Currently, section 6 of the Act allows the Lieutenant Governor in Council to make regulations establishing compensation frameworks for designated employers and designated executives. The section is amended to authorize the Management Board of Cabinet to govern a designated employer’s use of performance assessment indicators to determine a designated executive’s compensation. The section is also amended to allow the Minister to limit certain pay increases that may be made by a designated employer.

The Act is amended to provide that the Minister must approve the compensation plan for designated executives before they can be hired by a newly created designated employer, unless the Minister generally exempts the designated employer from this requirement.

Provisions providing for transition are included, as well as consequential amendments.

SCHEDULE 6 BUSINESS CORPORATIONS ACT

The Schedule amends the *Business Corporations Act* to require that the register of directors of a business corporation also set out the e-mail address of each director if one is provided.

**SCHEDULE 7
CANNABIS TAXATION COORDINATION ACT, 2019**

The Schedule enacts the *Cannabis Taxation Coordination Act, 2019*. The Act provides for the ratification of the Coordinated Cannabis Taxation Agreement entered into by the Minister of Finance on behalf of Ontario and the Minister of Finance for Canada on behalf of the Government of Canada. The Minister of Finance is authorized to make payments from the Consolidated Revenue Fund in accordance with the Coordinated Cannabis Taxation Agreement from amounts appropriated by the Legislature for those purposes.

**SCHEDULE 8
COLLECTION AND DEBT SETTLEMENT SERVICES ACT**

The Schedule amends the *Collection and Debt Settlement Services Act* to provide an additional manner for giving or serving documents required to be given or served under the Act, namely sending the document if the sender can prove receipt of it.

**SCHEDULE 9
COMBATIVE SPORTS ACT, 2019**

The Schedule repeals the *Athletics Control Act* and enacts the *Combative Sports Act, 2019*. Here are some highlights of the new Act:

The Act provides for the appointment of a Commissioner who has the powers and duties set out in the Act and as may be prescribed.

The Act establishes the Ontario Combative Sport Advisory Council. The Council's role is to advise the Minister in regards to regulations made by the Minister and to perform any other prescribed duties.

The Act prohibits persons from engaging in certain activities relating to a professional combative sport contest or exhibition, such as promoting a contest or exhibition or participating as a contestant, unless the person holds a valid licence authorizing the activity. The Act also prohibits the promotion, conducting or holding of an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition unless the person holds a valid event permit authorizing the contest or exhibition.

The Commissioner is empowered to issue or refuse to issue a licence or event permit, to impose or amend conditions of a licence or event permit and to suspend or cancel a licence or event permit. If the Commissioner intends to refuse, suspend, cancel or amend the terms and conditions of a licence or event permit, the applicant, licensee or event permit holder is entitled to request a hearing before the Licence Appeal Tribunal. If it is in the public interest or in the interest of health and safety to act immediately, the Commissioner may suspend or cancel a licence or event permit before a hearing can be held before the Tribunal.

The Commissioner is empowered to require an applicant for an event permit for a professional combative sport contest or exhibition to post security to ensure compliance with the Act, regulations and terms and conditions of the event permit. The holder of an event permit for a professional combative sport contest or exhibition is also required to pay the Minister an event administration fee, as required by the regulations.

The Minister may appoint inspectors who are empowered to conduct inspections for the purpose of enforcing the Act and the regulations. The Commissioner is, by virtue of his or her office, an inspector. The Act sets out rules for inspections with or without a warrant.

The Commissioner and inspectors are authorized to issue compliance orders. The Commissioner may impose administrative penalties for contraventions of the Act or the regulations. If the Commissioner proposes to impose an administrative penalty, the affected party may request a review before a designated senior employee. The administrative penalty may not exceed \$10,000, except as otherwise prescribed.

The maximum penalty for an offence committed by an individual is a fine of \$10,000 or imprisonment for up to two years, or both. The maximum penalty for a person that is not an individual is a \$100,000 fine.

The conduct of amateur combative sport contests and exhibitions and professional combative sport contests and exhibitions, including rules relating to such contests and exhibitions, may be provided for in regulations made by the Minister. Provision is made for the regulations to address circumstances where the Minister has not prescribed rules for a particular combative sport or where the Minister is permitted to approve another set of rules for use at a contest or exhibition. Provision is also made for regulations to be made by the Lieutenant Governor in Council.

The Schedule also makes a complementary amendment to the *Licence Appeal Tribunal Act, 1999*.

**SCHEDULE 10
COMMODITY FUTURES ACT**

The Schedule amends the *Commodity Futures Act*.

A new principle relating to the facilitation of innovation in Ontario's commodity futures markets is added to subsection 1.1 (2) of the Act.

Currently, when the Ontario Securities Commission proposes to make a rule, it is required under section 67 of the Act to post a notice that includes a description of the anticipated costs and benefits of the proposed rule. This requirement is amended to provide that the notice must contain a qualitative and quantitative analysis of the anticipated costs and benefits of the proposed rule.

**SCHEDULE 11
COMPENSATION FOR VICTIMS OF CRIME ACT**

The Schedule provides for the repeal of the *Compensation for Victims of Crime Act*, along with related complementary amendments to other statutes that refer to that Act. In advance of its repeal, the Act is amended in three ways:

1. Section 4.1 is added to the Act, and provides for a cut-off date for applications and other steps that may be taken under the Act, prior to the Act's repeal. Section 4.1 comes into force on proclamation of the Lieutenant Governor.
2. Section 19 of the Act is amended to raise the maximum amount that the Criminal Injuries Compensation Board may award in respect of a victim in the case of lump sum payments from \$25,000 to \$30,000, and to add a new maximum threshold of \$5,000 for amounts awarded in respect of pain and suffering. These amendments come into force on Royal Assent, and apply to existing applications as well as new ones.
3. Section 28 of the Act is re-enacted to authorize the Minister to make regulations dealing with any transitional matters arising from the enactment of the Schedule and to provide for the Board's dissolution.

**SCHEDULE 12
COMPULSORY AUTOMOBILE INSURANCE ACT**

Amendments relating to service on the Facility Association are made to the *Compulsory Automobile Insurance Act*.

**SCHEDULE 13
CONDOMINIUM ACT, 1998**

The *Condominium Act, 1998* is amended to change a reference to the Deposit Insurance Corporation of Ontario to refer instead to the Financial Services Regulatory Authority of Ontario.

**SCHEDULE 14
CONSUMER REPORTING ACT**

The Schedule amends the *Consumer Reporting Act* to provide an additional manner for giving or serving documents required to be given or served under the Act, namely sending the document if the sender can prove receipt of it.

**SCHEDULE 15
COURTS OF JUSTICE ACT**

The Schedule re-enacts subsection 51 (7) of the *Courts of Justice Act* to provide that the Ontario Judicial Council must, between 15 and 30 days after submitting its annual report to the Attorney General, publish the report in English and French on its website.

The Schedule also amends the Act to provide that the issues of fact and the assessment of damages in actions proceeding under Rule 76 of the Rules of Civil Procedure shall be tried without a jury.

**SCHEDULE 16
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

The *Credit Unions and Caisses Populaires Act, 1994* is amended to remove certain references to the Deposit Insurance Corporation of Ontario and to change other references to the Deposit Insurance Corporation of Ontario to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016* or to the Financial Services Regulatory Authority of Ontario continued under that Act. Various provisions that relate to the Deposit Insurance Corporation of Ontario are also repealed.

The Act is also amended to provide the Financial Services Regulatory Authority of Ontario with rule-making authority over certain matters. The Lieutenant Governor in Council is given regulation-making authority over all matters in respect of which the Authority may make rules. Transitional matters are provided for, and consequential and complementary amendments are also made.

**SCHEDULE 17
CROWN LIABILITY AND PROCEEDINGS ACT, 2019**

The Schedule repeals the *Proceedings Against the Crown Act* and replaces it with the *Crown Liability and Proceedings Act, 2019*. The new Act addresses Crown liability, including the limits on it, and sets out the procedural rules that apply in proceedings against the Crown and, in some cases, proceedings to which the Crown is a party.

Sections 1 to 7 deal with issues of interpretation and application. The Act binds the Crown, but expressly does not affect the extent to which the Crown is bound by any other statute (section 2). Statutes to which the Act does not apply are set out in

section 6. In the event of a conflict between the Act and any other statute, the Act prevails, except that in the case of a conflict respecting limits on the Crown's liability, the statute providing the greater protection against such liability prevails (section 7).

Sections 8 to 11 set out the rules of, and limits on, Crown liability. Section 8 provides for the Crown to be subject to liability in tort as if it were a person in specified circumstances, including in the case of a tort committed by an officer, employee or agent of the Crown. However, subsection 8 (3) states that if a statute negates or limits the liability of an officer, employee or agent of the Crown in respect of a tort, that negation or limitation extends to the Crown, and that a proceeding that may not be brought against an officer, employee or agent of the Crown respecting an act or omission may not be brought against the Crown. Section 9 specifies limits on Crown liability, including providing that the Crown is not liable for torts committed by Crown agencies (as defined in section 1), Crown corporations (as defined in section 1), transfer payment recipients (as defined in section 1) and independent contractors.

Section 11 extinguishes causes of action against the Crown or an officer, employee or agent of the Crown respecting negligence or a failure to take reasonable care in relation to acts of a legislative nature, negligence or a failure to take reasonable care in relation to the making (or purported failure to make) a regulatory decision in specified circumstances, or negligence or a failure to take reasonable care in relation to the making (or purported failure to make) decisions respecting policy matters. No proceedings respecting such matters may be brought, and any existing proceedings are deemed to be dismissed without costs. The circumstances in which section 11 applies may be augmented on an ongoing basis by regulations made under section 30; such regulations may be retroactive and may be made to apply to proceedings in existence when the regulations come into force.

Sections 12 to 27 address various procedural matters, some of which apply in the case of proceedings against the Crown (or an officer or employee of the Crown), and some of which apply in any proceedings to which the Crown is a party. Except as provided by the Act and the regulations made under it, the rules of court apply to proceedings to which the Crown is a party (section 13). Under section 16, proceeding against the Crown by way of petition of right is abolished. Section 17 requires court leave to bring a proceeding against the Crown or an officer or employee of the Crown in respect of a tort of misfeasance in public office or based on bad faith exercise or performance, or intended exercise of performance, of powers, duties or functions. Section 18 sets out notice requirements for proceedings against the Crown that include a claim for damages. Section 19 addresses discovery in proceedings to which the Crown is a party. Proceedings against the Crown or an officer or employee of the Crown shall be tried without a jury (section 20). Sections 22 to 25 set out restrictions on the types of orders that may be made in proceedings involving the Crown. Section 27 addresses certain enforcement issues.

Sections 28 to 31 deal with various general matters, and include a regulation-making authority in section 30. Section 28 provides for certain amounts owed by the Crown in relation to proceedings, but also in relation to tribunal orders and arbitration awards, to be paid out of the Consolidated Revenue Fund. Section 31 deals with transitional matters.

Sections 32 to 167 repeal the *Proceedings Against the Crown Act*, revoke the regulation made under it, and consequentially amend the many statutes (and some bills) that refer to the *Proceedings Against the Crown Act*. In most of the cases, the consequential amendment involves maintaining the override of the limit on Crown liability contained in subsections 5 (2) and (4) of the *Proceedings Against the Crown Act* and that is set out in subsection 8 (3) of the new Act.

SCHEDULE 18 DISCRIMINATORY BUSINESS PRACTICES ACT

The Schedule amends the *Discriminatory Business Practices Act* to provide an additional manner for giving or serving documents required to be given or served under the Act, namely sending the document if the sender can prove receipt of it.

SCHEDULE 19 DRAINAGE ACT

The Schedule amends the *Drainage Act* with respect to the methods of delivering copies of the Tribunal's decisions under section 98 of that Act. Currently, copies of the decisions may only be delivered by registered mail. The Schedule expands subsection 98 (9) to allow for delivery by courier and by electronic means.

SCHEDULE 20 EDUCATION ACT

The Schedule re-enacts subsection 188 (5) of the *Education Act* to give the Lieutenant Governor in Council the regulation-making authority to provide for representation on boards of the interests of bands in respect of which there are pupils admitted to the board under subsection 188 (1) or enrolled at a school pursuant to an agreement under section 188.

The Schedule also re-enacts section 231 of the Act to prohibit a board from having an in-year deficit for a fiscal year unless a deficit is authorized by a regulation or approved by the Minister. Related amendments are also made.

**SCHEDULE 21
ESTATE ADMINISTRATION TAX ACT, 1998**

The Schedule amends the *Estate Administration Tax Act, 1998* such that, for an estate in respect of which the application for an estate certificate is made on or after January 1, 2020, the following rules apply:

1. An estate whose value is \$50,000 or less is exempt from tax under the Act.
2. The amount of tax payable by an estate whose value exceeds \$50,000 is \$15 for each \$1,000 or part thereof by which its value exceeds \$50,000.

The Act is also amended to provide for the refund of overpayments of tax paid under the Act in specified circumstances.

**SCHEDULE 22
FARM PRODUCTS PAYMENTS ACT**

The Schedule amends the *Farm Products Payments Act*.

Subsection 4 (1) of the Act is amended to allow a board established under the Act to carry out functions and exercise powers that are prescribed by regulation in addition to those already specified in the Act.

Section 5 of the Act is amended to clarify the types of expenses that may be paid out of a fund administered by a board established under the Act.

Section 8 of the Act sets out the regulation-making power under the Act. The Schedule transfers those powers from the Lieutenant-governor in Council to the Minister of Agriculture, Food and Rural Affairs.

Finally, new sections 9 to 20 are added to the Act to give the Minister the power to make regulations designating a corporation as a Farm Products Payments Administrator and delegating to the administrator responsibility for the administration of specified provisions of the Act or of regulations made under section 8, or both. The provisions require that the Minister enter into an administrative agreement with a prospective designate. Several provisions relate to the governance, duties, liability and accountability of a Farm Products Payments Administrator.

**SCHEDULE 23
FEDERAL CARBON TAX TRANSPARENCY ACT, 2019**

The *Federal Carbon Tax Transparency Act, 2019* is enacted. The Act imposes requirements on the person who is licensed under the *Technical Standards and Safety Act, 2000* to operate a retail outlet at which gasoline is sold at a gasoline pump and put into the fuel tanks of motor vehicles. The person shall obtain from the Minister of Energy, Northern Development and Mines, or such other member of the Executive Council to whom responsibility for the administration of the Act may be assigned or transferred under the *Executive Council Act*, copies of the prescribed notice with respect to the price of gasoline sold in Ontario, and ensure the notice is affixed to each gasoline pump at the retail outlet.

The Act provides that the notice shall set out information with respect to the effect of the charge referred to in subsection 17 (1) of the *Greenhouse Gas Pollution Pricing Act (Canada)* on the price of gasoline sold in Ontario. It may also set out other information with respect to the price of gasoline sold in Ontario. The information may include information as estimated or otherwise determined by the Minister.

Other matters provided for in the Act include providing for inspections and offences.

**SCHEDULE 24
FINANCIAL ADMINISTRATION ACT**

The Schedule amends the *Financial Administration Act*. It prohibits a ministry or public entity from paying an admission or sponsorship fee for an event if the speaker at the event is a government minister, member of a legislative assembly, party leader or municipal councillor in Canada.

**SCHEDULE 25
FINANCIAL PROFESSIONALS TITLE PROTECTION ACT, 2019**

The Schedule enacts the *Financial Professionals Title Protection Act, 2019*.

Section 2 of the Act prohibits any individual from using the title “Financial Planner” or “planificateur financier”, an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title unless the individual has obtained an approved financial planning credential from an approved credentialing body and the credential is in good standing.

Section 3 of the Act prohibits any individual from using the title “Financial Advisor” or “conseiller financier”, an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title unless the individual has obtained an approved financial advising credential from an approved credentialing body and the credential is in good standing.

Sections 4 to 8 of the Act set out the process by which the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the Authority) may approve credentialing bodies and credentials for the purposes of the prohibitions in sections 2 and 3.

Section 5 of the Act provides that an approved credentialing body shall oversee the individuals holding approved credentials it has issued. The approved credentialing body must do so in accordance with the terms and conditions of its approval and in accordance with rules made by the Authority. Approved credentialing bodies are also required to collect, from individuals holding approved credentials they have issued, any fees the Authority rules require those individuals to pay to the Authority. The approved credentialing bodies must remit those fees to the Authority.

Section 9 of the Act prohibits persons and entities from representing that they have obtained an approval as a credentialing body unless they have a valid approval as a credentialing body.

Section 10 of the Act prohibits persons and entities from representing that they are able to offer an approved credential unless they have a valid approval for the credential.

Section 11 sets out the Chief Executive Officer's ability to make inquiries and conduct examinations of the business and activities of individuals, persons or entities that are or appear to be contravening the Act. Under section 12, the Chief Executive Officer may issue a compliance order respecting contraventions of, or non-compliance with, requirements established under the Act. The Chief Executive Officer is required to ensure that the name of each person and entity in respect of which a compliance order has been made and the details of the compliance order are made public on the Authority's website and in any other manner the Chief Executive Officer considers appropriate.

Sections 14 and 15 provide authority respecting fees, respecting rules made by the Authority and respecting regulations made by the Lieutenant Governor in Council.

Currently, the *Commodity Futures Act* and the *Securities Act* provide that the Ontario Securities Commission may make rules prescribing the conditions of registration or other requirements for registrants. Amendments are made to each Act to indicate that this power includes the ability to make rules prescribing conditions of registration for registrants in connection with the use of specified titles.

Currently, the *Insurance Act* provides that the Authority may make rules respecting licences authorizing a person to act as an insurance agent in Ontario. An amendment is made to indicate that this power includes the ability to make rules requiring that a person licensed to act as an insurance agent use a specified title.

The *Financial Services Regulatory Authority of Ontario Act, 2016* is amended to add the *Financial Professionals Title Protection Act, 2019* to the definition of "regulated sector" in section 1. The Act is also amended to set out the Authority's objects with respect to the *Financial Professionals Title Protection Act, 2019*.

SCHEDULE 26 FINANCIAL SERVICES COMMISSION OF ONTARIO ACT, 1997

The Schedule amends the *Financial Services Commission of Ontario Act, 1997* to permit the Minister to delegate to a Ministry employee any power or duty of the Superintendent or the Commission under the Act or any other Act. The Schedule also provides for the repeal of the Act.

SCHEDULE 27 FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

A new section 6.1 is added to the *Financial Services Regulatory Authority of Ontario Act, 2016* to empower the Authority to collect and enforce payments required to be paid to the Pension Benefits Guarantee Fund by employers.

A new section 12.1 is added to the Act to clarify that any money received by the Pension Benefits Guarantee Fund or the Deposit Insurance Reserve Fund, the assets of those Funds and any accruals from the investment of those assets are not part of the revenues, assets and investments of the Authority.

Unproclaimed subsection 15 (2) of the Act, which provides regulation-making authority concerning the manner of determining an assessment of the Authority by the Lieutenant Governor in Council with respect to expenses and expenditures that the Ministry incurs and makes in respect of the Authority, is repealed.

A new section 17.1 is added to the Act to require the Authority to prepare an annual business plan and to provide it to the Minister and the public.

Currently, when the Authority proposes to make a rule, it is required under section 22 of the Act to post a notice that includes a description of the anticipated costs and benefits of the proposed rule. This requirement is amended to provide that the notice must contain a qualitative and quantitative analysis of the anticipated costs and benefits of the proposed rule.

Technical amendments are also made to section 30 of the Act.

SCHEDULE 28
FINANCIAL SERVICES TRIBUNAL ACT, 2017

The *Financial Services Tribunal Act, 2017* is amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

SCHEDULE 29
FIRE PROTECTION AND PREVENTION ACT, 1997

The Schedule amends the *Fire Protection and Prevention Act, 1997* to change the amounts of fines as penalties for certain offences and to create penalties for subsequent offences. The Schedule also adds a limitation period for the prosecution of offences and expands the power of the Fire Marshal, a fire chief or an assistant to the Fire Marshal to issue an order under section 35 of the Act for the payment of costs.

SCHEDULE 30
FISCAL SUSTAINABILITY, TRANSPARENCY AND ACCOUNTABILITY ACT, 2019

The Schedule enacts the *Fiscal Sustainability, Transparency and Accountability Act, 2019*.

Section 2 of the new Act sets out the principles that govern Ontario's fiscal policy.

Section 3 requires the Executive Council to plan for a balanced budget. If a deficit is planned, the Executive Council is required to provide a rationale in the budget.

Section 4 requires a budget to be released on or before March 31 of each fiscal year.

Sections 5 to 12 of the Act require the Minister of Finance to release specified information to the public as follows:

1. Section 5 requires the release of specified information in the budget, including a multi-year fiscal plan described in section 6 and a debt burden reduction strategy described in section 7.
2. Section 8 requires the release of a recovery plan in certain circumstances.
3. Section 9 requires the release of a mid-year review.
4. Section 10 requires the periodic release of updated information about Ontario's revenues and expenses for the current fiscal year.
5. Section 11 requires the release of Ontario's economic accounts each quarter.
6. Section 12 requires the release of a long-range assessment of Ontario's economic and fiscal environment within two years after the most recent general election.

Section 13 requires the Auditor General to review specified information prior to scheduled general elections to determine whether it is reasonable, and to release a statement describing the results of the review. Section 14 requires the Auditor General to report on the Minister of Finance's compliance with the Act.

If the Minister fails to meet a deadline under the Act, section 15 requires the Minister to release a statement that explains why the deadline was not met and sets a new deadline. Section 16 imposes a financial penalty on the Minister and the Premier for missed deadlines.

Additional sections address the release of information under the Act, the non-application of the Act in certain circumstances and Crown immunity.

The *Fiscal Transparency and Accountability Act, 2004* is repealed and a consequential amendment is made.

SCHEDULE 31
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

The Schedule amends the *Freedom of Information and Protection of Privacy Act*. In particular, the Act is amended to include Part III.1 (Data Integration). Part III.1 provides for the designation of units within ministries that may collect personal information in order to compile information to enable analysis in relation to the management or allocation of resources, the planning for the delivery of programs and services provided or funded by the Government of Ontario as well as the evaluation of those programs and services. Part III.1 provides for rules governing the collection, use and disclosure of this personal information, including rules respecting linking and subsequently de-identifying the information. The responsible minister is authorized to establish data standards for use by the units in performing their functions under Part III.1, and the Information and Privacy Commissioner is given the authority to conduct reviews of the units' practices and procedures.

The grounds on which personal information can be disclosed under Part III of the Act are also amended.

**SCHEDULE 32
GASOLINE TAX ACT**

The Schedule amends the *Gasoline Tax Act* to authorize the Lieutenant Governor in Council to make regulations respecting requirements and procedures for retailers in relation to the sale and delivery of gasoline to persons exempt from the payment of tax imposed by the Act.

**SCHEDULE 33
INSURANCE ACT**

The Schedule includes various amendments to the *Insurance Act* relating to the delivery and electronic format of certain records and other documents.

**SCHEDULE 34
INVESTING IN ONTARIO ACT, 2008**

The *Investing in Ontario Act, 2008* is repealed and Ontario Regulation 227/08, made under that Act, is revoked. Consequential amendments are made to the *Financial Administration Act*.

**SCHEDULE 35
JURIES ACT**

The Schedule amends the *Juries Act*. Here are highlights of some of those amendments:

The Act is amended by changing all references to “county” with “jury area”. Jury areas may be established by regulation.

The Act is amended by adding the defined term “Jury Sheriff”, who is the person to whom the powers and duties of a Jury Sheriff are assigned under section 73 of the *Courts of Justice Act*. The *Juries Act* is further amended throughout to delineate the roles of the Jury Sheriff and the local sheriff.

The Act is amended by adding section 4.1 which requires the Minister of Health and Long-Term Care to prepare a jury source list and disclose it to the Jury Sheriff. This section sets out the required content of the jury source list and rules with respect to uses and disclosure of the jury source list.

Currently, section 6 of the Act requires the Director of Assessment to select at random from information obtained at the most recent enumeration of inhabitants of a county under the *Assessment Act* the persons to whom a jury questionnaire shall be mailed. This section is amended to require the Jury Sheriff to randomly select the required number of persons to receive the jury questionnaire from among the persons included in the jury source list provided by the Minister of Health and Long-Term Care.

The Act is amended by adding section 27.2 which provides that a court or judge before which a jury trial in a civil proceeding is to be held may make an order directing that the identity of a juror or any information that could disclose their identity shall not be published, broadcast or transmitted or limiting access to or the use of that information.

Subsection 44 (3) and section 45 are added to the Act. These provisions set out rules with respect to transition.

**SCHEDULE 36
JUSTICES OF THE PEACE ACT**

The Schedule re-enacts subsection 9 (8) of the *Justices of the Peace Act* to provide that the Justices of the Peace Review Council must, between 15 and 30 days after submitting its annual report to the Attorney General, publish the report in English and French on its website.

In addition, section 13.1 of the Act, which sets out rules that apply if a justice of the peace resigns, is appointed to a court or retires, is amended so that it does not apply in the case of the appointment of a justice of the peace to a court during a trial held under the *Provincial Offences Act*.

**SCHEDULE 37
LAND REGISTRATION REFORM ACT**

The Schedule amends the *Land Registration Reform Act* to allow the Minister to make regulations authorizing the Director of Titles to approve the manner in which documents in written form can be delivered for registration or deposit in the land registration system and specifying the effect of documents in written form that are delivered for registration or deposit in the land registration system in a manner approved by the Director.

**SCHEDULE 38
LIQUOR LICENCE ACT**

The Schedule amends the *Liquor Licence Act* to allow the council of a municipality, by by-law, to designate a public place where persons may have or consume liquor, subject to the regulations. The Schedule also expands the regulation-making powers of the Lieutenant Governor in Council and makes some corrections to the French version only of the Act.

SCHEDULE 39
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

The Schedule amends the *Ministry of Training, Colleges and Universities Act* by adding a new section 7.2 that governs the accrual of interest on student loans.

The Schedule also adds a new section 9.1 to govern the process of debt collection enforcement and review with respect to student loans and medical resident loans that are in default.

The Schedule also amends section 13 to provide new authority to make regulations that relate to the other amendments made to the Act by the Schedule.

The Schedule also adds a new section 18 to provide authority for the Minister to make regulations governing the reduction, limitation and alteration of compensation due to certain individuals.

SCHEDULE 40
MODERNIZING THE SKILLED TRADES AND APPRENTICESHIP ACT, 2019

The *Modernizing the Skilled Trades and Apprenticeship Act, 2019* is enacted. The Act sets out provisions regarding the governance of the practice of trades in Ontario and apprenticeship training and certification.

Part I sets out definitions applicable to the Act.

Part II addresses trades, skill sets and restricted activities as follows:

1. Section 2 provides that the Minister shall issue policies describing the activities of trades or skill sets and that a trade or skill set does not include a restricted activity unless prescribed by a regulation.
2. Sections 3 to 5 set out prohibitions under the Act. Section 3 prohibits an individual from performing restricted activities unless the individual holds the appropriate certificate for the activity or is an apprentice in a trade or skill set that includes the restricted activity. Section 4 prohibits persons from employing individuals to perform restricted activities unless the individual is permitted to do so under section 3. Section 5 prohibits sponsors from allowing an apprentice to work except in accordance with any applicable apprentice to journey person ratio.
3. Sections 7 to 12 provide for the issuance of certificates of apprenticeship, certificates of qualification and certificates of completion; for the issuance, renewal and amendment of certificates of restricted practice; and for the imposition of terms, conditions and limitations on certificates of restricted practice, and for their suspension and revocation.

Part III sets out provisions regarding apprenticeship programs and training agreements. It also addresses the issuance of provisional certificates of restricted practice, for the imposition of terms, conditions and limitations on such certificates, and for their suspension and revocation.

Part IV addresses inspections and investigations under the Act. Inspectors are given various powers for the purposes of determining compliance with the Act and the regulations, registered training agreements and compliance orders.

Part V provides for the imposition of compliance orders, notices of contravention and administrative penalties, and includes provisions respecting the process for their issuance, and the review of a notice of contravention.

Part VI contains general provisions relating to the administration of the Act and regulations. The Minister's and Registrar's functions are set out, and provision is made for the delegation of their functions to an administrative authority.

Part VII includes various miscellaneous provisions, including provisions relating to the service of documents and the collection and use of personal information.

Part VIII provides authority to make regulations.

Part IX contains provisions relating to transitional matters arising from the repeal of the *Ontario College of Trades and Apprenticeship Act, 2009* and the dissolution of the Ontario College of Trades.

Part X includes consequential amendments to other Acts, and the commencement and short title provisions.

SCHEDULE 41
MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

The Schedule amends the grounds on which personal information can be disclosed under Part II of the *Municipal Freedom of Information and Protection of Privacy Act*.

SCHEDULE 42
NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT

The Schedule amends the *Niagara Escarpment Planning and Development Act* to give the Minister's delegate the option of giving notice of a decision on an application for a development permit and notice of a hearing on an appeal of such a decision by email, instead of by personal service or by regular or registered mail, which are the only options currently available under subsections 25 (5) and (10) of the Act. Similarly, section 26 is amended to give the Minister the option of giving notice of an

application for a development permit and notice of a hearing regarding such an application by email instead of using the other methods of delivery currently permitted under that section.

**SCHEDULE 43
OIL, GAS AND SALT RESOURCES ACT**

The Schedule amends subsection 17 (2) of the *Oil, Gas and Salt Resources Act* to give the Lieutenant Governor in Council the power to make regulations governing the format of documents required or permitted to be provided under the Act and the manner in which and time at which they are to be provided. The regulations may provide for the documents to be provided by email or by means of the provision of online access. A new section 17.1.1 is added to the Act and sets out rules relating to the deemed receipt of documents that are required or permitted to be provided under the Act, including rules that apply where the document is provided by email.

**SCHEDULE 44
ONTARIO HERITAGE ACT**

Currently, section 67 of the *Ontario Heritage Act* specifies methods of service of documents required to be given, delivered or served under the Act. The section is amended to permit documents to be served or delivered by email.

**SCHEDULE 45
ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ACT, 2011**

The *Ontario Infrastructure and Lands Corporation Act, 2011* is amended to permit the Corporation to provide advice and services to non-Ontario entities.

**SCHEDULE 46
ONTARIO LOAN ACT, 2019**

The *Ontario Loan Act, 2019* is enacted. Subsection 1 (1) of the Act authorizes the Crown to borrow a maximum of \$15.1 billion.

**SCHEDULE 47
ONTARIO NEW HOME WARRANTIES PLAN ACT**

The Schedule amends the *Ontario New Home Warranties Plan Act* to include mechanisms for government oversight of the Corporation designated to administer the Ontario New Home Warranties Plan. Those mechanisms are similar to those that apply to the administrative authority under the *Condominium Management Services Act, 2015*, the regulatory authority under the *New Home Construction Licensing Act, 2017* and the warranty authority under the *Protection for Owners and Purchasers of New Homes Act, 2017*. They include the power of the Minister to do the following:

1. Set competency criteria for board members.
2. Limit the members of the board who can be drawn from among specified persons or classes of persons.
3. Appoint one or more members to the board as long as they do not form a majority of the board.
4. Require the Corporation to disclose information about compensation that it pays.

The Schedule also amends the Act to require the Corporation to ensure there is adequate money in the guarantee fund for the purpose of providing compensation under the Ontario New Home Warranties Plan.

**SCHEDULE 48
PENSION BENEFITS ACT**

The Schedule amends the *Pension Benefits Act* to add certain provisions from the *Not-for-Profit Corporations Act, 2010* that relate to the meaning of “affiliates” in clause 1 (4) (a) of the *Pension Benefits Act*. These added provisions will be repealed on the day the *Not-for-Profit Corporations Act, 2010* comes into force.

The criteria for a benefit provided by a pension plan to be a target benefit are amended. The obligation of an employer to contribute to the pension fund in respect of the benefit must be limited to a fixed amount set out in either one or more collective agreements or one or more documents, other than a collective agreement, that create and support the plan.

Currently, section 55.1 of the Act sets out circumstances in which employers and members are permitted to reduce or suspend certain contributions under a pension plan. An amendment provides that the section does not prevent a reduction or suspension of those contributions if the reduction or suspension is otherwise authorized by the Act or the regulations.

Section 82 of the Act, which currently governs the Pension Benefits Guarantee Fund, is amended to provide that the assets of the Guarantee Fund are not public money for the purposes of the *Financial Administration Act* and do not form part of the Consolidated Revenue Fund.

A new section 115.3 is added to the Act to require the Financial Services Regulatory Authority of Ontario to give the Minister such records and information related to a pension plan or pension fund, or both, as the Minister requests. Notice is

not required to be given to an individual in respect of personal information that may be collected by the Minister. The section also requires the Chief Executive Officer to give the Minister such records and information relating to the Pension Benefits Guarantee Fund as the Minister requests.

**SCHEDULE 49
PERSONAL PROPERTY SECURITY ACT**

The Schedule amends the *Personal Property Security Act*. Chattel paper is either electronic chattel paper or tangible chattel paper, depending on whether it is evidenced by an electronic record or not.

The amendments to the Act include the following:

1. A provision about what constitutes control of electronic chattel paper.
2. Amendments to provisions about conflict of laws and when a security interest attaches to collateral.
3. A rule for perfection of electronic chattel paper by control.
4. An amendment to section 28 of the Act, which sets out priority rules for purchasers of chattel paper, to take into account both types of chattel paper.

**SCHEDULE 50
PROVINCE OF ONTARIO SAVINGS OFFICE PRIVATIZATION ACT, 2002**

The *Province of Ontario Savings Office Privatization Act, 2002* is amended to change a reference to the Deposit Insurance Corporation of Ontario to refer instead to the Financial Services Regulatory Authority of Ontario.

**SCHEDULE 51
PROVINCIAL OFFENCES ACT**

The Schedule amends section 30 of the *Provincial Offences Act* to provide that a justice who is appointed to another court during a trial continues to have jurisdiction to preside over the trial.

**SCHEDULE 52
PTSD AWARENESS DAY ACT, 2019**

The Schedule enacts the *PTSD Awareness Day Act, 2019*, which proclaims June 27 in each year as PTSD Awareness Day.

**SCHEDULE 53
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997**

Section 8 of the *Public Sector Labour Relations Transition Act, 1997* is repealed and replaced. The new section 8 provides that the Act applies when two or more health service providers are amalgamated or when all, or substantially all, of the assets of one health service provider are transferred to another health service provider. Rules respecting the application of the Act in those circumstances are also set out. The Lieutenant Governor in Council is given the power to make regulations that provide for transitional matters in connection with the implementation of these amendments, and complementary and consequential amendments are also made.

**SCHEDULE 54
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT**

The Schedule amends the *Public Transportation and Highway Improvement Act*. The amendments authorize the Minister to appoint inspectors for the purpose of inspecting, auditing, examining, assessing and evaluating transit infrastructure assets held by or on behalf of the Toronto Transit Commission or the City of Toronto. The amendments authorize inspections for those purposes.

**SCHEDULE 55
SECURITIES ACT**

The Schedule amends the *Securities Act*.

A new principle relating to the facilitation of innovation in Ontario's capital markets is added to section 2.1 of the Act.

The Act is amended to provide that subsection 2 (2) of the *Fines and Forfeitures Act* does not apply to fines recovered for certain contraventions of Ontario securities law or Ontario commodity futures law.

Currently, when the Ontario Securities Commission proposes to make a rule, it is required under section 143.2 of the Act to post a notice that includes a description of the anticipated costs and benefits of the proposed rule. This requirement is amended to provide that the notice must contain a qualitative and quantitative analysis of the anticipated costs and benefits of the proposed rule.

Two technical amendments are made.

SCHEDULE 56
SIMPLER, FASTER, BETTER SERVICES ACT, 2019

The Schedule enacts the *Simpler, Faster, Better Services Act, 2019*. The Act authorizes the Minister responsible for the Act to appoint a Chief Digital and Data Officer who is required to perform various functions related to the provision of digital services and the publication of data by broader public sector organizations. The Chief Digital and Data Officer is also required to establish standards respecting digital services and standards for open data for use by public sector organizations. The Act authorizes the Lieutenant Governor in Council to make regulations that apply to a broader public sector organization that is not a public sector organization respecting digital services as they pertain to the organization and the publication of data by the organization.

The Act sets out certain principles that public sector organizations must have regard to in developing and using digital services and in making data publicly available. The Act provides for the Chief Digital and Data Officer to make certain reports to the Minister responsible for the Act.

SCHEDULE 57
TAXATION ACT, 2007

The Schedule amends the *Taxation Act, 2007* to add the Ontario childcare access and relief from expenses tax credit.

Section 93.2 of the Act is amended so that the condition regarding a corporation's Ontario labour expenditure for the year for the purposes of the definition of "specialized digital game corporation" is changed so that for taxation years that commence after April 11, 2019, the Ontario labour expenditure must not be less than \$500,000, rather than not less than \$1 million.

SCHEDULE 58
TICKET SALES ACT, 2017

The Schedule amends the *Ticket Sales Act, 2017*. Currently, subsection 2 (1) of the Act requires a person who makes a ticket available for sale on the secondary market or who facilitates the sale of a ticket on the secondary market at a price above its face value to provide a guarantee or a confirmation. The Schedule requires the guarantee or the confirmation to be in writing and to be provided when the ticket is made available for sale. If a person who facilitates the sale of a ticket on the secondary market complies with that subsection, no other person is required to comply with that subsection with respect to the sale.

The Schedule amends the information that subsection 5 (1) of the Act requires a primary seller to disclose. For example, the information to disclose deals with cases where the seller makes tickets to an event available for sale in batches or not. In most cases, the disclosure is required as soon as the seller has the information and no later than the time at which the seller makes the tickets involved available for sale. All required disclosures must continue until the time at which the event takes place.

The requirement in section 8 of the Act to disclose the identity of a secondary seller does not apply if an operator of a secondary ticketing platform that facilitates the sale of a ticket has provided the guarantee required by subsection 2 (1) of the Act.

The purpose for which an inspector can conduct an inspection without a warrant or for which an investigator can conduct an investigation is broadened so that the inspector or investigator can ensure that there has been compliance with any provision of the Act or the regulations, rather than just with certain listed provisions of the Act and the regulations.

The maximum amount of an administrative penalty under the Act is increased from \$10,000 to \$25,000.

The Schedule allows the Lieutenant Governor in Council to make regulations requiring a person who sells a ticket to provide the ticket to the purchaser in paper form if the purchaser so requests, regulating the fees that the person can charge and governing the transferability of tickets made available for sale.

SCHEDULE 59
TOBACCO TAX ACT

The Schedule amends the *Tobacco Tax Act* in the following ways:

1. Currently under subsection 1 (2) of the Act producing raw leaf tobacco for the purposes of the Act includes baling and packaging the tobacco. Subsection 1 (2) of the Act is amended to remove reference to those activities. Section 2.3 of the Act is modified to prohibit any person from baling or packaging raw leaf tobacco without a registration certificate.
2. Subsection 2.2 (10) of the Act requires a person who holds a registration certificate issued under that section to notify the Minister of certain information. That subsection is amended to require the person to also notify the Minister of any subsequent changes to the information provided to the Minister when applying for the certificate.
3. The Act is amended such that persons required to hold a registration certificate must retain and dispose of damaged or unused markers in accordance with the regulations. The Act is also amended to provide that it is an offence to contravene this requirement and to permit the Minister to assess a penalty in cases of non-compliance with this requirement.
4. The fines and penalties for contravening subsection 2.2 (22), which requires notification respecting the destruction of raw leaf tobacco, are amended.

5. The Act is amended to permit the Minister to amend conditions or restrictions on a registration certificate or a permit and also to impose other conditions or restrictions that the Minister considers appropriate.
6. Subsection 12 (1) currently provides for the collection of information for the purposes of evaluating the suitability of a person to be a collector, exporter or registered importer or to hold various types of permits. This subsection is amended to permit the Minister to demand information from any person for the purposes of evaluating the suitability of a person to be designated a collector or issued a registration certificate or a permit as well as to determine whether to impose, remove or amend a condition or restriction on a certificate or a permit.
7. Section 32 of the Act is amended to permit the Minister to disclose, in specified circumstances, copies of records and information obtained under the Act for the purposes of verifying information as part of an application for a registration certificate that is issued under section 2.2.

SCHEDULE 60
TRIBUNAL ADJUDICATIVE RECORDS ACT, 2019

The Schedule enacts the *Tribunal Adjudicative Records Act, 2019*. The Act requires adjudicative tribunals prescribed by the regulations made under the Act to make their adjudicative records available to the public unless the record is subject to a confidentiality order. The Act authorizes the tribunals to make rules governing procedures for providing access to adjudicative records and for obtaining confidentiality orders and to, subject to the approval of the relevant minister, set and charge fees for providing access to adjudicative records. The Act also provides that confidentiality orders can be filed with the Superior Court of Justice and that, upon filing, they can be enforced as if they were orders of that court.

The Act also amends the *Freedom of Information and Protection of Privacy Act* to provide that it does not apply to notes, communications or draft decisions or orders prepared by or for a person acting in a quasi-judicial capacity. That Act is also amended to provide that it does not apply to adjudicative records to which the *Tribunal Adjudicative Records Act, 2019* applies.

SCHEDULE 61
VITAL STATISTICS ACT

The Schedule amends the *Vital Statistics Act*. Instead of tabling in the Assembly the annual report of registrations under the Act that subsection 3 (5) requires the Registrar General to prepare, the Registrar General is required to publish it in a manner that the Registrar General considers appropriate.

In deciding under subsection 34 (1) to correct an error made in a registration, the Registrar General no longer requires a statutory declaration to supplement evidence of the error. The Schedule adds powers for the Registrar General to make regulations governing the correction of errors in a registration. It also transfers some of the present regulation-making powers of the Lieutenant Governor in Council to the Registrar General.

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

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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 *Protecting What Matters Most Act (Budget Measures), 2019*.

SCHEDULE 1
AGGREGATE RESOURCES ACT

1 Section 62.1 of the *Aggregate Resources Act* is repealed and the following substituted:

Change of contact information

62.1 Within 14 days after a licensee or permittee changes his or her name, address or other prescribed contact information, the licensee or permittee shall give notice of the change to the prescribed person in the prescribed manner.

Aggregate Resources and Mining Modernization Act, 2017

2 Section 44 of Schedule 1 to the *Aggregate Resources and Mining Modernization Act, 2017* is repealed.

Commencement

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

(2) Section 2 comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

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

1 (1) The following provisions of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* are amended by striking out “April 1, 2019” wherever it appears and substituting in each case “January 1, 2020”:

- 1. Paragraphs 3 and 4 of subsection 27 (1.1).**
- 2. Paragraphs 4 and 5 of subsection 27 (2).**
- 3. Paragraphs 3 and 4 of subsection 27 (2.1).**

(2) Section 27 of the Act is amended by adding the following subsection:

Transition re wine and wine cooler tax increase previously effective April 1, 2019

(2.2) If, before the day the *Protecting What Matters Most Act (Budget Measures), 2019* received Royal Assent, a purchaser or authorized grocery store paid an amount in respect of the increase in the basic tax on wine and wine coolers that was scheduled to take effect on April 1, 2019 under subsections (1.1), (2) and (2.1), as they read immediately before the day the *Protecting What Matters Most Act (Budget Measures), 2019* received Royal Assent, the following rules apply:

1. The amount paid in respect of the increase is deemed not to have been paid as tax or as an amount on account of tax.
2. The amount paid in respect of the increase is deemed to have been paid as part of the purchase price otherwise owing in respect of the wine or wine cooler.

Commencement

2 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Subsection 1 (1) is deemed to have come into force on March 31, 2019.

**SCHEDULE 3
ARCHIVES AND RECORDKEEPING ACT, 2006**

1 Clause 1 (b) of the *Archives and Recordkeeping Act, 2006* is amended by adding “and to support effective government administration” after “transparency”.

2 The definition of “record” in subsection 2 (1) of the Act is amended by adding “including data” after “record of information”.

3 Clause 7 (c) of the Act is amended by adding “and to support effective government administration” at the end.

4 The English version of subsections 8 (4), (5) and (7) of the Act are amended by striking out “his or her” wherever it appears and substituting in each case “the Archivist’s”.

5 The English version of section 10 of the Act is amended by striking out “his or her” wherever it appears and substituting in each case “the Archivist’s”.

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

Records schedules

(1) The Archivist may prepare a records schedule that sets out, for a class of public records that a public body creates or receives, the length of time the records will be retained and the disposition of the records at the end of the retention period.

Same

(1.1) Every public body shall prepare a records schedule that sets out, for each class of public records that they create or receive and for which the Archivist has not prepared a records schedule, the length of time the records will be retained and the disposition of the records at the end of their retention period.

(2) Clause 11 (2) (c) of the Act is repealed.

7 The English version of clause 20 (4) (b) of the Act is amended by striking out “he or she” in the portion before subclause (i) and substituting “the Archivist”.

8 The English version of subsection 22 (3) of the Act is amended by striking out “his or her” and substituting “the Archivist’s”.

9 The English version of section 23 of the Act is amended by striking out “his or her” wherever it appears and substituting in each case “the Archivist’s”.

10 The English version of section 24 of the Act is amended by striking out “he or she” and substituting “the Archivist”.

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

Standards, guidelines re recordkeeping

(1) The Archivist shall, at the direction of the Management Board of Cabinet, establish standards and guidelines respecting recordkeeping practices, including practices to facilitate the preservation of records of archival value.

(2) The English version of subsection 25 (2) of the Act is amended by striking out “he or she” and substituting “the Archivist”.

Commencement

12 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 4
BEES ACT**

1 Subsection 5 (3) of the *Bees Act* is repealed.

2 The Act is amended by adding the following section:

Inspector's orders, content and delivery

6.1 (1) Every order made by an inspector under section 5, 6 or 19 shall state that the beekeeper may appeal from the inspector's order to the Director within five days after receipt of the order.

Delivery

- (2) An inspector's order shall be delivered to the beekeeper,
- (a) by registered mail or courier at the beekeeper's last or usual place of abode;
 - (b) by email; or
 - (c) in person by the inspector.

Deemed receipt

- (3) An inspector's order shall be deemed to have been received by the beekeeper in accordance with the following rules:
- 1. If the order is delivered by registered mail or courier, it is deemed to have been received on the fifth day after the day the order is mailed or couriered.
 - 2. If the order is delivered by email or in person by the inspector, it is deemed to have been received on the day it is sent by email or received in person.

Failure to receive document

(4) Subsection (3) does not apply if the beekeeper establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond the beekeeper's control, receive the order or did not receive it until after the deemed date of receipt.

3 Subsection 7 (3) of the Act is repealed and the following substituted:

Hearing and decision on appeal

(3) Upon being notified of an appeal, the Director shall hold a hearing and at the conclusion of the hearing may confirm, revoke or vary the inspector's order.

Notice of decision

- (3.1) The Director shall give the beekeeper who appealed the inspector's order notice of a decision made under subsection (3),
- (a) by registered mail or courier at the beekeeper's last or usual place of abode; or
 - (b) by email.

Compliance with decision

(3.2) A beekeeper who receives notice of the Director's decision made under subsection (3) shall comply with the decision within the time specified in the notice.

Deemed receipt

- (3.3) Notice of the Director's decision shall be deemed to have been received by the beekeeper in accordance with the following rules:
- 1. If the notice is delivered by registered mail or courier, it is deemed to have been received on the fifth day after the day the notice is mailed or couriered.
 - 2. If the notice is delivered by email, it is deemed to have been received on the day it is sent by email.

Failure to receive document

(3.4) Subsection (3.3) does not apply if the beekeeper establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond the beekeeper's control, receive the notice or did not receive it until after the deemed date of receipt.

Commencement

4 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 5
BROADER PUBLIC SECTOR EXECUTIVE COMPENSATION ACT, 2014**

1 Clause (a) of the definition of “Minister” in subsection 1 (1) of the *Broader Public Sector Executive Compensation Act, 2014* is repealed.

2 Subsections 6 (4) and (5) of the Act are repealed and the following substituted:

Governing performance assessment indicators

(4) A compensation framework may authorize the Management Board of Cabinet to establish rules governing a designated employer’s use of performance assessment indicators in determining a designated executive’s compensation.

Limiting increases in pay

(5) A compensation framework may authorize the Minister to limit, in writing, the increase in salary or the pay-for-performance that a designated employer may give to a designated executive, including by limiting,

- (a) the number of designated executives to whom a designated employer may,
 - (i) give an increase in salary or a category of increase in salary, or
 - (ii) give pay-for-performance or a category of pay-for-performance; and
- (b) the time periods for which a designated employer may give a performance-related increase in salary or pay-for-performance.

Exempting from compensation framework

(6) A compensation framework may authorize the Minister to exempt, in writing, a designated employer or a designated executive from a requirement in the compensation framework and to set conditions for the exemption.

Non-application of *Legislation Act, 2006*, Part III, Board and Minister decisions

(7) Part III (Regulations) of the *Legislation Act, 2006* does not apply to,

- (a) rules established by the Management Board of Cabinet that are authorized by a provision in a compensation framework made under subsection (4); or
- (b) a limit imposed by the Minister or an exemption granted by the Minister as authorized by a compensation framework.

3 Subsection 7 (5) of the Act is repealed.

4 The Act is amended by adding the following section:

Newly created employers

Application

7.1 (1) This section applies to,

- (a) a designated employer that has never hired any designated executives; and
- (b) a designated employer that has hired designated executives but has not become fully operational and does not intend for any of the designated executives to remain executives of the employer once the employer becomes fully operational.

Restriction on hiring

(2) A designated employer to which this section applies shall not hire a designated executive that it intends to have remain an executive of the employer once the employer becomes fully operational, unless,

- (a) the compensation plan for that designated executive position has been approved by the Minister in writing; or
- (b) the Minister has exempted the designated employer in writing from that requirement.

Approval process

(3) The designated employer shall submit such material and follow such procedure as may be prescribed for seeking the Minister’s approval of compensation plans.

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

Existing employees and office holders

9 (1) Where a person is a designated executive immediately before the effective date of an applicable compensation framework and continues to be employed in the same position or office, whether under the same contract or agreement or through a renewal of an existing contract or agreement, the following rules apply, regardless of when the contract or agreement was entered into:

1. Subject to paragraphs 2 and 3, the designated executive's compensation plan that is in effect immediately before the effective date of the applicable compensation framework remains in effect.
2. On or after August 13, 2021, any element of compensation in the designated executive's compensation plan that is greater than that authorized under an applicable compensation framework is not valid or payable to the extent that it is not in accordance with the applicable compensation framework.
3. Any increase in an element of compensation that is provided for in the designated executive's compensation plan, but that has not been implemented on or before the effective date, is not valid or payable to the extent that it is not in accordance with the applicable compensation framework.

Application of par. 2 of subs. (1)

(2) The Minister may, in writing,

- (a) provide that paragraph 2 of subsection (1) applies in respect of a designated employer or a designated executive beginning on a date that is before August 13, 2021; or
- (b) exempt a designated employer or a designated executive from the application of that paragraph until a specified date.

6 Subsection 23 (2) of the Act is amended by striking out “and for greater certainty, prevails over subsection 7.17 (2) of the *Broader Public Sector Accountability Act, 2010*” at the end.

Broader Public Sector Accountability Act, 2010

7 (1) Part II.1 of the *Broader Public Sector Accountability Act, 2010* is repealed.

(2) Clause 23 (1) (e) of the Act is amended by striking out “subsection 7.17 (1)” at the end and substituting “subsection 7.17 (1), as it read immediately before it was repealed”.

Excellent Care for All Act, 2010

8 Subsections 9 (6) to (9) of the *Excellent Care for All Act, 2010* are repealed.

Public Sector Compensation Restraint to Protect Public Services Act, 2010

9 The *Public Sector Compensation Restraint to Protect Public Services Act, 2010* is repealed.

Commencement

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

**SCHEDULE 6
BUSINESS CORPORATIONS ACT**

1 Clause 140 (1) (c) of the *Business Corporations Act* is amended by adding “and an e-mail address if one is provided” after “if any”.

Commencement

2 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 7
CANNABIS TAXATION COORDINATION ACT, 2019**

Coordinated Cannabis Taxation Agreement

1 (1) The Coordinated Cannabis Taxation Agreement dated May 8, 2018, between the Minister of Finance on behalf of the Crown in right of Ontario and the Minister of Finance for Canada on behalf of the Government of Canada, is ratified and confirmed.

Amendments

(2) The Minister of Finance may at any time enter into an agreement with the Minister of Finance for Canada to amend the agreement or any amending agreement.

Other agreements or arrangements

(3) The Minister of Finance may enter into such other agreements or arrangements with the Government of Canada as the Minister considers necessary or advisable respecting any matter relating to the Coordinated Cannabis Taxation Agreement and its implementation.

Minister may make payments

(4) The Minister of Finance is authorized to make payments from the Consolidated Revenue Fund in accordance with the Coordinated Cannabis Taxation Agreement, and any agreement entered into under subsection (3), from amounts appropriated by the Legislature for those purposes.

Commencement

2 The Act set out in this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

Short title

3 The short title of the Act set out in this Schedule is the *Cannabis Taxation Coordination Act, 2019*.

SCHEDULE 8
COLLECTION AND DEBT SETTLEMENT SERVICES ACT

1 Subsection 26 (1) of the *Collection and Debt Settlement Services Act* is repealed and the following substituted:

Service

- (1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if it is,
- (a) delivered personally;
 - (b) sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry; or
 - (c) sent by another manner if the sender can prove receipt of the notice or order.

Commencement

2 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 9
COMBATIVE SPORTS ACT, 2019**

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INTERPRETATION

Definitions

1 (1) In this Act,

“Advisory Council” means the Ontario Combative Sport Advisory Council established under section 3; (“Conseil consultatif”)

“amateur combative sport contest or exhibition” has the meaning set out in the regulations; (“compétition ou exhibition de sports de combat amateurs”)

“combative sport” has the meaning set out in subsection (2); (“sport de combat”)

“Commissioner” means the Commissioner appointed under section 2; (“commissaire”)

“designated senior employee” means a person employed in the Ministry as an assistant deputy minister or in a position prescribed by the regulations; (“titulaire d’un poste supérieur désigné”)

“matchmaker” means a person who arranges a professional combative sport contest or exhibition; (“promoteur de match”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“official” means a person who participates in a professional combative sport contest or exhibition as a referee, judge or in any other prescribed capacity; (“officiel”)

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

“professional combative sport contest or exhibition” has the meaning set out in the regulations; (“compétition ou exhibition de sports de combat professionnels”)

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

Combative sport

(2) A reference to “combative sport” in this Act and the regulations, including within the definitions of “amateur combative sport contest or exhibition” and “professional combative sport contest or exhibition” in subsection (1), means,

- (a) a sport in which contestants,
 - (i) strike their opponents using their hands, fists, feet or any other body part or any combination of them,
 - (ii) use throwing, grappling, wrestling or submission techniques, or
 - (iii) engage in any other prescribed technique; or
- (b) a sport designated by the Minister in the regulations.

COMMISSIONER

Commissioner

2 (1) The Minister shall appoint, in writing, a person employed in the Ministry as the Commissioner for the purposes of this Act.

Powers and duties

(2) The Commissioner shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed.

Delegation

(3) The Commissioner may delegate, in writing, any of the Commissioner’s powers or duties under this Act or the regulations to any person, including any person not employed in the Ministry, subject to any limitations, conditions and requirements set out in the delegation.

ONTARIO COMBATIVE SPORT ADVISORY COUNCIL

Ontario Combative Sport Advisory Council

3 (1) A council known as the Ontario Combative Sport Advisory Council in English and Conseil consultatif ontarien des sports de combat in French is established.

Members

(2) The composition of the Advisory Council shall be as provided in the regulations, and the members shall be appointed by the Lieutenant Governor in Council.

Chair, vice-chairs

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

Vice-chairs

(4) A vice-chair shall act as and have all the powers and authority of the chair if the chair is absent or unable to act or if the chair's position is vacant.

Remuneration and expenses

(5) The Lieutenant Governor in Council may determine the remuneration and expenses of persons appointed under subsection (2).

Support

(6) The Minister may designate any persons employed in the Ministry to provide support to the Advisory Council in the performance of its functions under this Act and the regulations.

Functions of Advisory Council

4 The Advisory Council shall,

- (a) advise the Minister regarding regulations under section 49; and
- (b) perform any other duties as may be prescribed.

Meetings

5 (1) The Advisory Council may only hold meetings as directed by the Minister.

Meetings by telephone or other communications

(2) A member of the Advisory Council may participate in a meeting by telephone or other means of communication that permits all of the persons participating to communicate, and a member so participating is considered to be present at the meeting.

Quorum

(3) A majority of the members of the Advisory Council constitutes a quorum.

LICENCES

Licence required

6 No person shall do any of the following unless the person holds a valid licence authorizing the activity:

1. Promote, conduct or hold a professional combative sport contest or exhibition.
2. Participate as a contestant in a professional combative sport contest or exhibition.
3. Provide services as a manager, matchmaker, second or official with respect to a professional combative sport contest or exhibition.
4. Engage in any other prescribed activity.

Application for licence

7 A person may apply to the Commissioner for a licence by,

- (a) submitting to the Commissioner,
 - (i) the prescribed information, authorizations and records,
 - (ii) any information, application form and other records required by the Commissioner, and
 - (iii) the prescribed fees; and
- (b) complying with any additional prescribed requirements.

Issuance of licence

8 The Commissioner shall issue a licence to an applicant, if the Commissioner,

- (a) receives an application under section 7; and
- (b) is satisfied that the applicant has complied with this Act and the regulations.

Refusal to issue a licence

9 Subject to section 28, on receipt of an application under section 7, the Commissioner may refuse to issue a licence if,

- (a) the applicant, or any of the officers, directors or representatives of the applicant,
 - (i) has contravened this Act, the regulations or the terms and conditions of a licence, or
 - (ii) fails to meet the requirements for the licence;
- (b) the Commissioner has reasonable grounds to believe that,
 - (i) based on the past conduct of the applicant, or any officers, directors or representatives of the applicant, the applicant will not carry on business with honesty and integrity and in accordance with this Act, the regulations or any term or condition of the licence,
 - (ii) the applicant has made a false or misleading statement, with respect to any matter that the Commissioner considers material, in an application under section 7 or 17 or in any of the information or material submitted to the Commissioner in support of an application,
 - (iii) the issuance of the licence is not in the interest of the health and safety of the contestant, or
 - (iv) it is not in the public interest to issue the licence; or
- (c) any other prescribed circumstances exist.

Suspension or cancellation of a licence

10 (1) Subject to section 28, the Commissioner may suspend or cancel a licence on any ground on which the Commissioner might have refused to issue the licence under section 9.

Reinstatement

(2) If the Commissioner considers it appropriate to do so, and on receipt of any prescribed reinstatement fee, the Commissioner may reinstate a licence that has been suspended.

Terms and conditions of a licence

11 (1) On issuing or reinstating a licence, the Commissioner shall include the prescribed terms and conditions, if any, and may include any other terms and conditions that the Commissioner considers appropriate.

Amendment or imposition of new terms and conditions

(2) Subject to section 28, at any time after a licence is issued or reinstated, the Commissioner may amend the terms and conditions imposed by the Commissioner under subsection (1) or impose new terms and conditions.

Licence not transferable

12 A licence is not transferable.

Expiry of licence

13 Unless cancelled under section 10 or 14, a licence expires on the expiration of the prescribed period.

Requirement to notify Commissioner if circumstances change

14 (1) Within 30 days after a prescribed change in circumstances, an applicant for a licence or licensee shall notify the Commissioner in writing of the change.

Powers after receipt of information

(2) Subject to section 28, after receiving information that there has been a change in circumstances in accordance with subsection (1), the Commissioner may,

- (a) in the case of an applicant for a licence, refuse to issue a licence; or
- (b) in the case of a licensee,
 - (i) suspend or cancel the licence, or
 - (ii) amend the terms and conditions imposed by the Commissioner under subsection 11 (1) or impose new terms and conditions.

Failure to comply with subs. (1)

- (3) Subject to section 28, if an applicant for a licence or licensee fails to comply with subsection (1), the Commissioner may,
- (a) in the case of an applicant for a licence, refuse to issue a licence; or
 - (b) in the case of a licensee,
 - (i) suspend or cancel the licence, or
 - (ii) amend the terms and conditions imposed by the Commissioner under subsection 11 (1) or impose new terms and conditions.

EVENT PERMIT

Event permit required

15 No person shall promote, conduct or hold an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition unless the person holds a valid event permit authorizing the contest or exhibition.

Prohibition re owner, occupier or operator of venue

16 No owner, occupier or operator of a building, structure or other premises shall allow the conduct or holding of an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition in or at the building, structure or premises unless the Commissioner has issued a valid event permit for the contest or exhibition to be held in or at that building, structure or premises.

Application for event permit

17 A person may apply to the Commissioner for an event permit by,

- (a) submitting to the Commissioner,
 - (i) the prescribed information, authorizations and records,
 - (ii) any information, application form and other records required by the Commissioner, and
 - (iii) the prescribed fees; and
- (b) complying with any additional prescribed requirements.

Issuance of event permit

18 (1) The Commissioner shall issue an event permit to an applicant if the Commissioner,

- (a) receives an application under section 17; and
- (b) is satisfied that the applicant has complied with this Act and the regulations.

Event permit re professional combative sport contest or exhibition

(2) An event permit issued for a professional combative sport contest or exhibition shall only be in respect of a single contest or exhibition.

Event permit re amateur combative sport contest or exhibition

(3) An event permit issued for an amateur combative sport contest or exhibition may be in respect of a single or multiple contests or exhibitions.

Appointment of officials

(4) The Commissioner may appoint the officials for any professional combative sport contest or exhibition and require the prescribed fees and eligible expenses to be paid to the officials by the Commissioner on behalf of the event permit holder.

Event permit not required for certain amateur combative sport contests or exhibitions

19 An amateur combative sport contest or exhibition may be held without an event permit if,

- (a) the contest or exhibition is held with the permission of a prescribed person or entity or is held under any of the prescribed circumstances; or
- (b) the contest or exhibition satisfies the prescribed criteria.

Refusal to issue event permit

20 Subject to section 28, on receipt of an application under section 17, the Commissioner may refuse to issue an event permit if,

- (a) the applicant, or any of the officers, directors or representatives of the applicant,
 - (i) has contravened this Act, the regulations or the terms and conditions of an event permit, or

- (ii) fails to meet the requirements for the event permit; or
- (b) the Commissioner has reasonable grounds to believe that,
 - (i) based on the past conduct of the applicant, or any officers, directors or representatives of the applicant, the applicant will not carry on business with honesty and integrity and in accordance with this Act, the regulations or any term or condition of the event permit,
 - (ii) the applicant has made a false or misleading statement, with respect to any matter that the Commissioner considers material, in an application under section 7 or 17 or in any of the information or material submitted to the Commissioner in support of an application, or
 - (iii) it is not in the public interest to issue the event permit; or
- (c) any other prescribed circumstances exist.

Suspension or cancellation of event permit

21 Subject to section 28, the Commissioner may suspend or cancel an event permit on any ground on which the Commissioner might have refused to issue the event permit under section 20.

Terms and conditions of an event permit

22 (1) On issuing an event permit, the Commissioner shall include the prescribed terms and conditions, if any, and may impose any other terms and conditions that the Commissioner considers appropriate.

Amendment or imposition of new terms and conditions

(2) Subject to section 28, at any time after an event permit is issued, the Commissioner may amend the terms and conditions imposed by the Commissioner under subsection (1) or impose new terms and conditions.

Event permit not transferable

23 An event permit is not transferable.

Expiry of event permit

24 Unless cancelled under section 21 or 25, an event permit expires on the expiration of the prescribed period.

Permit holder to notify Commissioner if circumstances change

25 (1) Within 30 days after a prescribed change in circumstances, an applicant for an event permit or a holder of an event permit shall notify the Commissioner in writing of the change.

Powers after receipt of information

(2) Subject to section 28, after receiving information that there has been a change in circumstances in accordance with subsection (1), the Commissioner may,

- (a) in the case of an applicant for an event permit, refuse to issue an event permit; or
- (b) in the case of a holder of an event permit,
 - (i) suspend or cancel the event permit, or
 - (ii) amend the terms and conditions imposed by the Commissioner under subsection 22 (1) or impose new terms and conditions.

Failure to comply with subs. (1)

(3) Subject to section 28, if an applicant for an event permit or holder of an event permit fails to comply with subsection (1), the Commissioner may,

- (a) in the case of an applicant for an event permit, refuse to issue an event permit; or
- (b) in the case of a holder of an event permit,
 - (i) suspend or cancel the event permit, or
 - (ii) amend the terms and conditions imposed by the Commissioner under subsection 22 (1) or impose new terms and conditions.

Security for professional combative sport contest or exhibition

26 (1) Before issuing an event permit for a professional combative sport contest or exhibition, the Commissioner shall require the applicant to post security, in accordance with the regulations, to ensure compliance with this Act, the regulations and the terms and conditions of the event permit.

Amount of security

- (2) The security referred to in subsection (1) shall be in an amount sufficient to cover,
- (a) the fees and eligible expenses payable to officials appointed by the Commissioner under subsection 18 (4);
 - (b) the event administration fee payable under section 27; and
 - (c) any other amounts prescribed by regulation.

Form of security

- (3) The security referred to in subsection (1) shall be posted in one of the prescribed forms.

Forfeiture

- (4) A security required under this section shall be forfeited to the Crown in the prescribed circumstances and in accordance with the prescribed rules.

Event administration fee

- 27** The holder of an event permit for a professional combative sport contest or exhibition shall pay to the Minister an event administration fee, in accordance with the requirements set out in the regulations.

NOTIFICATION BY COMMISSIONER

Notice of intention to refuse, etc.

- 28** (1) The Commissioner shall notify the applicant, licensee or event permit holder, as the case may be, in writing if the Commissioner intends to,
- (a) refuse to issue a licence;
 - (b) refuse to issue an event permit;
 - (c) suspend or cancel a licence or event permit; or
 - (d) amend the terms and conditions of a licence or event permit or impose new terms and conditions on a licence or event permit.

Contents of notice

- (2) The notice under subsection (1) shall set out the reasons for the proposed action and shall state that the applicant, licensee or event permit holder is entitled to a hearing by the Licence Appeal Tribunal if the applicant, licensee or event permit holder, within 15 days after service of the notice, serves a written request for a hearing on the Commissioner and the Tribunal.

If no request for hearing

- (3) If the applicant, licensee or event permit holder does not request a hearing in accordance with subsection (2), the Commissioner may take the action set out in the notice.

Exception, immediate action

- (4) Despite subsections (1) and (2), if the Commissioner considers that it is necessary and in the public interest or in the interest of health and safety to take immediate action, the Commissioner may immediately suspend or cancel a licence or an event permit without providing written notice to the licensee or event permit holder under subsections (1) and (2), but the Commissioner shall give the licensee or event permit holder a notice setting out the reasons for the suspension or cancellation and the notice shall state that the licensee or event permit holder is entitled to a hearing by the Licence Appeal Tribunal if the licensee or event permit holder, within 15 days after service of the notice, serves a written request for a hearing on the Commissioner and the Tribunal.

Same, no stay of action

- (5) A request for a hearing under subsection (4) does not stay the operation of the action taken by the Commissioner under that subsection.

Hearing

- (6) If the applicant, licensee or event permit holder requests a hearing in accordance with subsection (2) or (4), the Licence Appeal Tribunal shall appoint a time for and hold the hearing.

Powers of Tribunal

- (7) After holding the hearing, the Licence Appeal Tribunal may,
- (a) by order, direct the Commissioner to carry out the action set out in the notice, with or without amendments, or substitute its opinion for that of the Commissioner; and

- (b) by order, direct the Commissioner to take such action as the Tribunal considers he or she should take in accordance with this Act and the regulations.

Appeals from orders of the Tribunal

- (8) If an applicant, licensee or event permit holder appeals an order of the Licence Appeal Tribunal, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal.

INSPECTIONS

Appointment of inspectors

- 29** (1) The Minister may appoint any person to be an inspector for the purposes of this Act.

Commissioner is an inspector

- (2) The Commissioner is, by virtue of his or her office, an inspector.

Powers and duties

- (3) An inspector shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed by the regulations.

Restrictions

- (4) The Minister may restrict an inspector's powers of entry and inspection to specified premises.

Certificate of appointment

- (5) The Minister shall issue to every inspector a certificate of appointment which the inspector shall produce, upon request, when acting in the performance of his or her duties.

Purpose of inspection

- 30** An inspector shall conduct inspections for the purpose of enforcing this Act and the regulations.

Inspections without warrant

- 31** (1) An inspector may, at any reasonable time and without a warrant, enter and inspect,

- (a) a premises where an amateur combative sport contest or exhibition or professional combative sport contest or exhibition is being held or is scheduled to be held or where the inspector suspects on reasonable grounds that such a contest or exhibition is being held or is scheduled to be held; or
- (b) a premises where the inspector suspects on reasonable grounds that a person has not complied with or is not complying with this Act or the regulations.

Dwellings

- (2) The power to enter and inspect a premises described in subsection (1) without a warrant shall not be exercised to enter and inspect a premises that is used as a dwelling, except with the consent of the occupier of the premises.

Powers on inspection

- 32** (1) An inspector conducting an inspection may,

- (a) examine a record or other thing that is relevant to the inspection;
- (b) demand the production for inspection of a document or other thing that is relevant to the inspection;
- (c) on issuing a written receipt, remove for review and copying a record or other thing that is relevant to the inspection;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises;
- (e) take photographs, video recordings or other visual or audio recordings that are relevant to the inspection; and
- (f) question a person on matters relevant to the inspection.

Limitation re photographs and recordings

- (2) A photograph or recording made under clause (1) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Written demand

- (3) A demand that a record or other thing be produced for inspection must be in writing and must state,

- (a) the nature of the record or thing required; and
- (b) when the record or thing is to be produced.

Obligation to produce and assist

(4) If an inspector demands that a record or other thing be produced for inspection, the person having custody of the record or other thing shall produce it for the inspector within the time provided for in the demand, and shall, upon the inspector's demand,

- (a) provide whatever assistance is reasonably necessary to produce a record in a readable form, including using a data storage, processing or retrieval device or system; and
- (b) provide whatever assistance is reasonably necessary to interpret a record for the inspector.

Power to exclude persons

(5) An inspector who questions a person under clause (1) (f) may exclude from the questioning any person except counsel for the individual being questioned.

Return of things

(6) A record or other thing that has been removed for review and copying,

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

Definition of record

(7) In this section,

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

Warrants

33 (1) An inspector may, without notice, apply to a justice for a warrant under this section.

Issuance of warrant

(2) A justice may issue a warrant authorizing an inspector named in the warrant to enter the premises specified in the warrant, and to exercise any of the powers mentioned in section 32, if the justice is satisfied on information under oath or affirmation,

- (a) that,
 - (i) an amateur combative sport contest or exhibition or professional combative sport contest or exhibition is being held or is scheduled to be held at the premises or where the inspector suspects on reasonable grounds that such a contest or exhibition is being held or is scheduled to be held, or
 - (ii) the inspector suspects on reasonable grounds that a person has not complied with or is not complying with this Act or the regulations; and
- (b) that,
 - (i) the inspector has been prevented from exercising a right of entry to the premises under section 31 or a power under subsection 32 (1), or
 - (ii) there are reasonable grounds to believe that the inspector will be prevented from exercising a right of entry to the premises under section 31 or a power under subsection 32 (1).

Dwellings

(3) The power to enter a premises described in subsection (2) with a warrant shall not be exercised to enter a premises that is used as a dwelling, except where,

- (a) the justice is informed that the warrant is being sought to authorize entry into a dwelling; and
- (b) the justice authorizes the entry into the dwelling.

Expert help

(4) The warrant may authorize persons who have special, expert or professional knowledge to accompany and assist the inspector in the execution of the warrant.

Expiry of warrant

(5) A warrant issued under this section shall name a date on which it expires, which shall be no later than 30 days after the warrant is issued.

Extension of time

(6) A justice may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant.

Police assistance, etc.

(7) An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant.

Other matters

(8) Subsections 32 (3) to (7) apply, with necessary modifications, with respect to the exercise of the powers mentioned in subsection (2) under a warrant issued under this section.

Definition

(9) In this section,

“justice” means a provincial judge or a justice of the peace.

Inspection report

34 After completing an inspection, an inspector shall prepare an inspection report and, if the inspector is not the Commissioner, give a copy of the report to the Commissioner.

Admissibility of certain documents

35 A copy made under subsection 32 (1) that purports to be certified by the inspector as being a true copy of the original is admissible in evidence in any proceeding to the same extent as, and has the same evidentiary value as, the original.

ENFORCEMENT

Compliance order

36 (1) If the Commissioner or an inspector believes on reasonable grounds that a person is not in compliance with a provision of this Act or the regulations, the Commissioner or inspector may make a compliance order,

- (a) ordering the person to comply with the provision;
- (b) ordering the person to do or refrain from doing anything specified in the order; and
- (c) specifying dates by which the person is required to do or refrain from doing the things specified.

Content of order

(2) A compliance order shall include the information prescribed by the regulations.

Service

(3) The order shall be served on the person whom the Commissioner or inspector believes is not in compliance with this Act or the regulations.

Amendment or revocation of order

(4) If the Commissioner or inspector makes an order under subsection (1), he or she may amend or revoke it.

Notice

(5) Upon amending or revoking an order under subsection (4), the Commissioner or inspector shall give written notice of the amendment or revocation to the person to whom the order is directed.

Notice of administrative penalty

37 (1) The Commissioner may issue a notice in writing requiring a person to pay an administrative penalty in the amount set out in the notice if the Commissioner is of the opinion that the person has contravened this Act or the regulations.

Purpose of administrative penalty

- (2) A notice of administrative penalty may be issued under this section for the purpose of,
- (a) encouraging compliance with this Act and the regulations; or
 - (b) preventing a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of this Act or the regulations.

Amount of administrative penalty

- (3) Subject to subsection (4), the amount of an administrative penalty in respect of a contravention,
- (a) shall not exceed \$10,000, except as otherwise prescribed;

- (b) shall be determined by the Commissioner in accordance with the regulations; and
- (c) shall reflect the purpose referred to in subsection (2).

One-year limitation

(4) A notice of administrative penalty shall not be issued under this section more than one year after the day the most recent contravention on which the notice is based first came to the knowledge of the Commissioner.

Content of notice of administrative penalty

- (5) A notice of administrative penalty shall,
- (a) contain or be accompanied by information setting out the nature of the contravention including, if relevant, the date on which and location where the contravention occurred;
 - (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
 - (c) inform the person of his, her or its right to request a review of the notice by a designated senior employee.

Right to review

(6) A person who receives a notice of administrative penalty may request a designated senior employee to review the notice by applying to the designated senior employee for a review in a form approved by the Minister,

- (a) within 15 days after the notice is served; or
- (b) within a longer period specified by the designated senior employee, if he or she considers it appropriate in the circumstances to extend the time for applying.

If no review requested

(7) If a person who has received a notice of administrative penalty does not apply for a review under subsection (6), the person shall pay the penalty within 30 days after the day the notice was served.

If review requested

(8) If a person who has received a notice of administrative penalty applies for a review under subsection (6), the designated senior employee shall conduct the review in accordance with the regulations.

Designated senior employee's decision

- (9) Upon a review, the designated senior employee may,
- (a) find that the person did not contravene the provision of this Act or regulations specified in the notice of administrative penalty, and rescind the notice;
 - (b) find that the person did contravene the provision of this Act or regulations specified in the notice of administrative penalty and affirm the notice; or
 - (c) find that the person did contravene the provision but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances, and in that case the employee shall amend the notice by reducing the amount of the penalty.

Decision final

(10) The designated senior employee's decision is final.

Non-application of SPPA

(11) The *Statutory Powers Procedure Act* does not apply to a review conducted under subsection (8).

Payment after review

(12) If the designated senior employee finds under clause (9) (b) or (c) that a person has contravened the provision of this Act or regulations specified in the notice of administrative penalty, the person shall pay the penalty required by the designated senior employee within 30 days after the day the decision was made.

Payment to Minister of Finance

(13) A person who is required to pay an administrative penalty under this section shall pay the penalty to the Minister of Finance.

Enforcement of administrative penalty

38 (1) If a person who is required to pay an administrative penalty under section 37 fails to pay it within the time required under subsection 37 (7) or (12), the notice of administrative penalty or the designated senior employee's decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of a notice of administrative penalty or decision filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the notice of administrative penalty or decision is filed under subsection (1) is deemed to be the date of the order that is referred to in section 129 of the *Courts of Justice Act*.

MISCELLANEOUS

Crown debt

39 An event administration fee payable under section 27 or an administrative penalty imposed under section 37 that is not paid within the time required under that section is a debt due to the Crown and enforceable as such.

Enforcement measures

40 The use of an enforcement measure provided for in this Act in respect of a contravention of this Act or the regulations does not prohibit the use, at the same time or different times, of any other enforcement measure or remedy provided for in this Act or otherwise available in law in respect of the same contravention.

Consideration of past conduct

41 In making a decision under this Act, the Commissioner or a designated senior employee may consider any person's current or past failures to comply with this Act or the regulations that the Commissioner or designated senior employee considers relevant.

Offence

42 (1) Every person who contravenes any provision of this Act or of the regulations is guilty of an offence.

Corporation

(2) An officer or director of a corporation is guilty of an offence if he or she fails to take reasonable care to prevent the corporation from committing an offence mentioned in subsection (1).

Penalties

(3) A person that is convicted of an offence under this Act is liable to,

- (a) a fine of not more than \$10,000 or to imprisonment for a term of not more than two years, or both, if the person is an individual; or
- (b) a fine of not more than \$100,000, if the person is not an individual.

Penalty re monetary benefit

(4) The court that convicts a person of an offence under this section, in addition to any other penalty imposed by the court, may increase a fine imposed on the person by an amount equal to three times the court's estimation of the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite the maximum fine provided in clause (3) (a) or (b).

Limitation

(5) No proceeding under this section shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the Commissioner.

Special deeming rules re *Criminal Code* (Canada)

43 (1) The Minister is deemed to be specified by the Lieutenant Governor in Council as a person for the purposes of designating combative sports for the purposes of paragraph 83 (2) (b) of the *Criminal Code* (Canada).

Same

(2) For the purposes of paragraphs 83 (2) (b) and (c) of the *Criminal Code* (Canada),

- (a) the requirement for an event permit in respect of an amateur combative sport contest or exhibition under section 15 is deemed to be a requirement by the Lieutenant Governor in Council for such a contest or exhibition to be held only with permission of the Lieutenant Governor in Council; and
- (b) an event permit for an amateur combative sport contest or exhibition issued under section 18 is deemed to be permission to hold the contest or exhibition by the Lieutenant Governor in Council.

Same

(3) For the purposes of paragraph 83 (2) (c) of the *Criminal Code* (Canada), an amateur combative sport contest or exhibition that satisfies any of the criteria set out in section 19 is deemed to be held with the permission of the Lieutenant Governor in Council.

Protection from personal liability

44 (1) No action or other proceeding may be instituted against the Minister, the Deputy Minister of the Ministry, a member of the Advisory Council, any officer or employee who works in the Ministry including the Commissioner or a designated senior employee, any delegate of the Commissioner, or an inspector for any act done in good faith in the exercise or intended exercise of a power conferred under this Act or the regulations or in the execution or intended execution of a duty imposed under this Act or the regulations or for an alleged neglect or default in the execution in good faith of the power or duty.

Crown liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject.

No Crown liability

45 (1) No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a result of any act or omission of a person who is not a minister of the Crown, a Crown employee or a Crown agent, if the act or omission is related, directly or indirectly, to an amateur combative sport contest or exhibition or a professional combative sport contest or exhibition, including but not limited to the activities mentioned in section 6.

No proceeding

(2) No proceeding for damages, including but not limited to a proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation, 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 (1).

Confidentiality

46 (1) A person who obtains information in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations shall preserve secrecy with respect to the information and shall not communicate the information to any person except,

- (a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;
- (b) to a ministry, department or agency of a government engaged in the administration of legislation similar to this Act or to any other entity to which the administration of legislation similar to this Act has been assigned;
- (c) as authorized under the *Regulatory Modernization Act, 2007*;
- (d) to an entity or organization prescribed by the regulations, if the purpose of the communication is to assist in the supervision of a professional combative sport contest or exhibition;
- (e) to a law enforcement agency;
- (f) to his, her or its counsel;
- (g) as required by law; or
- (h) with the consent of the person to whom the information relates.

Testimony

(2) Except in a proceeding under this Act, no person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations.

Payment into CRF

47 (1) All money received under the authority of this Act and the regulations shall be paid into the Consolidated Revenue Fund.

Money for special purpose

(2) All amounts received in respect of fees and eligible expenses payable to officials appointed by the Commissioner under subsection 18 (4) are deemed, for the purposes of the *Financial Administration Act*, to be money paid to Ontario for a special purpose.

Refunds

48 (1) The Minister shall refund the security provided under section 26 to an applicant for an event permit or an event permit holder, less all sums owing under this Act and the regulations, in accordance with the regulations.

Same

(2) The Minister may refund all or any part of a fee charged, in accordance with the regulations.

REGULATIONS**Regulations — Minister**

49 (1) The Minister may make regulations,

- (a) designating sports as combative sports for the purposes of clause 1 (2) (b);
- (b) governing the conduct of an amateur combative sport contest or exhibition and the conduct of a professional combative sport contest or exhibition, including prescribing rules relating to such contests and exhibitions;
- (c) governing fees and eligible expenses under subsection 18 (4), including,
 - (i) prescribing the amount of fees and expenses or the manner of determining fees and expenses, and
 - (ii) prescribing the manner in which and the period within which fees and expenses must be paid.

Restriction on Minister's regulations

(2) Except in urgent circumstances, the Minister shall not make a regulation under subsection (1) unless he or she has given a copy of the proposed regulation to the Advisory Council and allowed the Council at least one month to consider it and to provide advice on it to the Minister.

Rules under subs. (1) (b) apply even if no event permit

(3) For greater certainty, a regulation made under clause (1) (b) applies to an amateur combative sport contest or exhibition even if an event permit under this Act is not required in respect of the contest or exhibition.

Exemption from rules prescribed under subs. (1) (b)

(4) A regulation made under clause (1) (b) may permit the Minister to exempt an amateur combative sport contest or exhibition or professional combative sport contest or exhibition from the rules set out in the regulation that apply to the combative sport, provided that the Minister is satisfied that the contest or exhibition satisfies such requirements as set out in the regulation.

Where no rules prescribed in respect of combative sport

(5) If no regulation is made under clause (1) (b) prescribing rules in respect of a particular combative sport, the Minister may make regulations requiring a person wishing to promote, conduct or hold an amateur combative sport contest or exhibition or professional combative sport contest or exhibition involving the combative sport to obtain the Minister's approval of rules that will apply to the contest or exhibition.

Regulations — Lieutenant Governor in Council

50 (1) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or advisable for the purposes of this Act, including,

- (a) governing licences and event permits required under this Act;
- (b) prescribing or otherwise providing for anything required or permitted under this Act, except anything referred to in subsection 49 (1), to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;
- (c) defining "professional combative sport contest or exhibition" and "amateur combative sport contest or exhibition" for the purposes of subsection 1 (1), including prescribing criteria for determining whether a person is a professional contestant or an amateur contestant in a particular combative sport;
- (d) governing fees under this Act, other than for the purposes of subsection 18 (4), including,
 - (i) requiring the payment of fees in relation to any matter under this Act, including any services provided by or through the Ministry or the Commissioner,
 - (ii) prescribing the amount of fees or the manner of determining fees, and
 - (iii) prescribing the manner in which and the period within which fees must be paid;
- (e) requiring licensees to have written contracts and prescribing the terms and conditions that must be included in the contracts;
- (f) governing administrative penalties and all matters necessary and incidental to the administration of a system of administrative penalties under this Act;
- (g) governing inspections conducted under this Act;

- (h) defining any term that is used in this Act and that is not defined in this Act;
- (i) governing transitional matters that may arise due to the enactment of this Act or the repeal of the *Athletics Control Act*.

Classes of persons, etc.

(2) A regulation made in respect of licences and event permits may create different classes of persons and may establish different entitlements for, or relating to, each class or impose different requirements, conditions or restrictions on, or relating to, each class.

Regulation may set out different requirements

- (3) A regulation made under subsection (1) may establish,
 - (a) different requirements that apply to an amateur combative sport contest or exhibition and that apply to a professional combative sport contest or exhibition; and
 - (b) different requirements for different combative sports.

Exemptions, etc.

(4) A regulation made under subsection (1) may exempt a person or class of persons from a specified requirement imposed by this Act or a regulation in such circumstances as may be prescribed or provide that a specified provision of this Act or a regulation does not apply to the person or class in such circumstances as may be prescribed.

REPEAL, AMENDMENT, COMMENCEMENT AND SHORT TITLE

Repeal

51 The *Athletics Control Act* is repealed.

Amendment — *Licence Appeal Tribunal Act, 1999*

52 Subsection 11 (1) of the *Licence Appeal Tribunal Act, 1999* is amended by adding the following:

Combative Sports Act, 2019

Commencement

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

Short title

54 The short title of the Act set out in this Schedule is the *Combative Sports Act, 2019*.

**SCHEDULE 10
COMMODITY FUTURES ACT**

1 Subsection 1.1 (2) of the *Commodity Futures Act* is amended by adding the following paragraph:

7. Innovation in Ontario's commodity futures markets should be facilitated.

2 Paragraph 7 of subsection 67 (2) of the Act is repealed and the following substituted:

7. A qualitative and quantitative analysis of the anticipated costs and benefits of the proposed rule.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 11
COMPENSATION FOR VICTIMS OF CRIME ACT**

1 The *Compensation for Victims of Crime Act* is amended by adding the following section:

Winding up applications, etc., prior to repeal

4.1 (1) Despite anything to the contrary in this Act, on and after the day section 1 of Schedule 11 to the *Protecting What Matters Most Act (Budget Measures), 2019* comes into force, no person may,

- (a) make an application for compensation under section 5;
- (b) request a hearing and review under section 10;
- (c) commence an appeal under section 23; or
- (d) make an application for variation under section 25.

Same

(2) Despite anything to the contrary in this Act, the Board shall not,

- (a) extend the time for making an application for compensation to the date referred to in subsection (1) or a later date, under subsection 6 (1);
- (b) accept a request for hearing and review on or after the date referred to in subsection (1), under subsection 10 (1.1); or
- (c) vary an order on its own initiative on or after the date referred to in subsection (1), under subsection 25 (1).

2 (1) Clause 19 (1) (a) of the Act is amended by striking out “\$25,000” and substituting “\$30,000”.

(2) Section 19 of the Act is amended by adding the following subsections:

Maximum award, pain and suffering

(6) The amount awarded by the Board to be paid in respect of pain and suffering shall not exceed \$5,000.

Transition

(7) In addition to applying to applications made on or after the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent, clause (1) (a), as amended by subsection 2 (1) of Schedule 11 to that Act, and subsection (6) apply to applications made but not finally decided by the Board before that day, subject to subsection (5).

3 Section 28 of the Act is repealed and the following substituted:

Regulations

28 (1) The Minister may make regulations,

- (a) providing for transitional matters arising from the enactment of Schedule 11 to the *Protecting What Matters Most Act (Budget Measures), 2019*, including dealing with any problems or issues arising as a result of the amendment or repeal of a provision of this Act by that Schedule;
- (b) providing for the dissolution of the Board and for the disposition of its assets and liabilities, if any.

Conflict

(2) In the event of a conflict between a regulation made under clause (1) (a) and this Act or the *Statutory Powers Procedure Act*, the regulation prevails to the extent of the conflict.

4 The Act is repealed.

Civil Remedies Act, 2001

5 Subclause 21 (1) (b) (i) of the *Civil Remedies Act, 2001* is amended by striking out “the Criminal Injuries Compensation Board or another person or body” and substituting “a person or body”.

Prohibiting Profiting from Recounting Crimes Act, 2002

6 Subclause 13 (1) (d) (i) of the *Prohibiting Profiting from Recounting Crimes Act, 2002* is amended by striking out “the Criminal Injuries Compensation Board or another person or body” and substituting “a person or body”.

Victims’ Bill of Rights, 1995

7 Subparagraph 2 ii of subsection 2 (1) of the *Victims’ Bill of Rights, 1995* is amended by striking out “and of the *Compensation for Victims of Crime Act*”.

Commencement

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

(2) Sections 2 and 3 come into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 12
COMPULSORY AUTOMOBILE INSURANCE ACT

1 (1) Subsection 8 (3) of the *Compulsory Automobile Insurance Act* is amended by striking out “and such service may be by personal service or by registered mail” at the end.

(2) Subsection 8 (4) of the Act is repealed.

Commencement

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

**SCHEDULE 13
CONDOMINIUM ACT, 1998**

1 (1) Clause (b) of the definition of “eligible security” in subsection 115 (5) of the *Condominium Act, 1998* is amended by striking out “Deposit Insurance Corporation of Ontario” and substituting “Financial Services Regulatory Authority of Ontario”.

(2) Clause (b) of the definition of “eligible security” in subsection 115 (5) of the Act, as re-enacted by subsection 101 (5) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, is amended by striking out “Deposit Insurance Corporation of Ontario” and substituting “Financial Services Regulatory Authority of Ontario”.

Commencement

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

**SCHEDULE 14
CONSUMER REPORTING ACT**

1 Subsection 20 (1) of the *Consumer Reporting Act* is repealed and the following substituted:

Service

(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if it is,

- (a) delivered personally;
- (b) sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address;
- (c) sent by ordinary mail addressed to the person to whom delivery or service is required to be made at the person's last known address, in the case of a notice that is required to be given, delivered or served under section 10, 13 or 15; or
- (d) sent by another manner if the sender can prove receipt of the notice or order.

Commencement

2 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 15
COURTS OF JUSTICE ACT**

1 Subsection 51 (7) of the *Courts of Justice Act* is repealed and the following substituted:

Same, publication

(7) The Judicial Council shall, no earlier than 15 but no later than 30 days after making the report, publish it in English and French on its website.

2 Subsection 108 (2) of the Act is repealed and the following substituted:

Trials without jury

(2) The issues of fact and the assessment of damages in an action shall be tried without a jury in the following circumstances:

1. The action involves a claim for any of the following kinds of relief:
 - i. Injunction or mandatory order.
 - ii. Partition or sale of real property.
 - iii. Relief in proceedings referred to in the Schedule to section 21.8.
 - iv. Dissolution of a partnership or taking of partnership or other accounts.
 - v. Foreclosure or redemption of a mortgage.
 - vi. Sale and distribution of the proceeds of property subject to any lien or charge.
 - vii. Execution of a trust.
 - viii. Rectification, setting aside or cancellation of a deed or other written instrument.
 - ix. Specific performance of a contract.
 - x. Declaratory relief.
 - xi. Other equitable relief.
 - xii. Relief against a municipality.
2. The action is proceeding under Rule 76 of the Rules of Civil Procedure.

Same

(2.1) Paragraph 2 of subsection (2) does not apply to an action in respect of which a jury notice has been delivered in accordance with the Rules of Civil Procedure before January 1, 2020.

Commencement

3 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Section 2 comes into force on January 1, 2020.

SCHEDULE 16
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994

1 Section 1 of the *Credit Unions and Caisses Populaires Act, 1994* is amended by adding the following definition:

“Authority rule” means a rule made under subsection 321.0.4 (1) of this Act or under subsection 21 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“règle de l’Autorité”)

2 Subsection 15 (1) of the Act is amended by adding “or by Authority rule” at the end.

3 Subsections 22 (1) and (3) of the Act are amended by adding “or by Authority rule” at the end.

4 Subsection 77 (1) of the Act is amended by adding “or by Authority rule” at the end.

5 Subsection 79 (1) of the Act is amended by adding “or by Authority rule” at the end.

6 Section 89.1 of the Act is repealed.

7 Section 90 of the Act is amended by striking out “as prescribed” at the end and substituting “as required by the Authority rules or by-laws” at the end.

8 (1) Subsection 103 (2) of the Act is repealed and the following substituted:

Information to Chief Executive Officer

(2) The Chief Executive Officer may require the director to provide such information relating to the resignation as the Chief Executive Officer specifies and the director shall promptly do so.

(2) Subsection 103 (3) of the Act is amended by striking out “the Superintendent and the Corporation” and substituting “and the Chief Executive Officer”.

9 Subsection 104 (1) of the Act is repealed and the following substituted:

Duties of the board

(1) The board shall manage or supervise the management of the business and affairs of the credit union and shall perform such additional duties as may be imposed under this Act, the regulations, the Authority rules or by-laws respecting credit unions, or the by-laws of the credit union.

10 Subsection 127 (1) of the Act is repealed and the following substituted:

Notification about certain matters

(1) The audit committee shall promptly notify the board, the credit union’s auditor and the Chief Executive Officer if any of the following matters come to the attention of the committee:

1. Funds, securities or other property of the credit union have been or may have been misappropriated or misdirected.
2. The board, a director, an officer or an employee of the credit union has contravened or failed to comply with this Act, the regulations, the Authority rules or by-laws, or the by-laws of the credit union and the contravention or failure to comply materially affects the credit union.

11 Clause 143 (3) (f) of the Act is repealed and the following substituted:

(f) to the Chief Executive Officer and the Authority; and

12 Section 165 of the Act is repealed and the following substituted:

Notice re resignation, etc.

165 A credit union shall promptly notify the Chief Executive Officer when an auditor resigns, is replaced or is removed from office and shall inform the Chief Executive Officer of the reasons.

13 (1) Subsection 169 (3.1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Report to Chief Executive Officer for certain purposes

(3.1) Within 10 days after the annual meeting, the auditor shall provide a copy of the audited financial statements and the auditor’s report to the Chief Executive Officer for the purpose of assisting the Chief Executive Officer and the Authority in carrying out their duties and powers under this Act, including, without limiting the generality of the foregoing, for the purposes of the following:

(2) Subsection 169 (7) of the Act is amended by striking out “the Superintendent and the Corporation” at the end and substituting “the Chief Executive Officer”.

14 Section 171.1 of the Act is repealed.

15 Clause 172 (4) (d) of the Act is amended by striking out “the Superintendent and the Corporation” and substituting “the Chief Executive Officer”.

16 Subsection 202.1 (1) of the Act is repealed and the following substituted:

Order for disposal of unauthorized investments

(1) The Chief Executive Officer may order a credit union to dispose of any investment that was not made or is not held in accordance with this Act, the regulations, the Authority rules or by-laws, or the credit union’s investment and lending policies.

17 Subsection 209.1 (1) of the Act is amended by striking out “the Superintendent or Corporation” in the portion before clause (a) and substituting “the Chief Executive Officer”.

18 Section 220 of the Act is repealed and the following substituted:

Meeting required by Chief Executive Officer

220 (1) The Chief Executive Officer may, by written notice to the credit union and each director, require a credit union to hold a meeting of the directors to consider any matter set out in the notice.

Attendance by Chief Executive Officer

(2) The Chief Executive Officer or a designate of the Chief Executive Officer may attend and be heard at the meeting.

19 Section 228 of the Act is repealed and the following substituted:

Examination by Chief Executive Officer

228 The Chief Executive Officer may, at any reasonable time, visit the office of any credit union and inspect the premises and examine the credit union’s affairs to determine whether the credit union is complying with this Act, the regulations, orders made by the Chief Executive Officer, the Authority rules or by-laws, conditions imposed on the deposit insurance of the credit union under subsection 270 (4), the by-laws of the credit union or policies established by the board of the credit union.

20 Section 229 of the Act is repealed.

21 (1) Subsection 229.1 (1) of the Act is amended by striking out “sections 228 and 229” at the end and substituting “section 228”.

(2) Subsection 229.1 (3) of the Act is repealed and the following substituted:

Answering questions

(3) Every director, officer and employee of a credit union shall answer such questions during the course of the examination as may be necessary for the person conducting the examination to determine if the credit union has complied with this Act, the regulations, orders made by the Chief Executive Officer, the Authority rules or by-laws, the by-laws of the credit union or policies established by the board of the credit union.

22 (1) Subsection 240.1 (1) of the Act is amended by striking out “the Superintendent or the Corporation” and substituting “the Chief Executive Officer”.

(2) Subsection 240.1 (2) of the Act is repealed and the following substituted:

Notice before order made

(2) Before making an order, the Chief Executive Officer shall give notice of the Chief Executive Officer’s intention to do so to the person who would be subject to the order and, if the Chief Executive Officer would be relying on information not provided by the person, the Chief Executive Officer shall inform the person of that information and give the person an opportunity to explain or refute it.

(3) Subsections 240.1 (3) and (4) of the Act are amended by striking out “Superintendent or Corporation” wherever it appears and substituting in each case “Chief Executive Officer”.

(4) Subsection 240.1 (5) of the Act is repealed and the following substituted:

Rules for practice and procedure

(5) The Chief Executive Officer may make rules for the practice and procedure to be observed in relation to orders made by the Chief Executive Officer.

(5) Subsections 240.1 (6) and (7) of the Act are amended by striking out “Superintendent or Corporation” wherever it appears and substituting in each case “Chief Executive Officer”.

(6) Subsection 240.1 (9) of the Act is repealed and the following substituted:

Variation of orders

(9) Subject to subsections (2) and (3), the Chief Executive Officer may reconsider and vary or revoke an order made by the Chief Executive Officer if the Chief Executive Officer considers it advisable to do so.

23 Section 240.2 of the Act is repealed and the following substituted:

Copies of orders to be given

240.2 The Chief Executive Officer shall give a copy of an order the Chief Executive Officer makes under this Act to the person who is subject to the order and, if the person who is subject to the order is a credit union, to each director of the credit union.

24 Section 240.3 of the Act is amended by striking out “Superintendent or Corporation” and substituting “Chief Executive Officer”.

25 (1) Subsection 240.4 (1) of the Act is amended by striking out “the Superintendent or the Corporation” and substituting “the Chief Executive Officer”.

(2) Subsection 240.4 (2) of the Act is repealed and the following substituted:

How appeal is made

(2) The appeal shall be made by filing a written notice of appeal with the Tribunal and serving a copy of the notice on the Chief Executive Officer.

(3) Subsection 240.4 (5) of the Act is amended by striking out “331.2 or 331.3” and substituting “or 331.2”.

(4) Clause 240.4 (7) (b) of the Act is repealed and the following substituted:

- (b) the Chief Executive Officer; and

26 Subsection 240.5 (1) of the Act is amended by striking out “Superintendent or Corporation” wherever it appears and substituting in each case “Chief Executive Officer”.

27 The heading before section 264 and section 264 of the Act are repealed.

28 Subsection 274 (1) of the Act is repealed and the following substituted:

Cancellation of deposit insurance

(1) The deposit insurance of a credit union may be cancelled on not less than 30 days notice to the credit union by the Authority when,

- (a) the credit union is in breach of the standards of business and financial practices established by the Authority or any conditions of its deposit insurance;
- (b) the credit union ceases to accept deposits;
- (c) an order has been made appointing the Chief Executive Officer or another person as the liquidator of the credit union;
- (d) the credit union fails to pay its deposit insurance premiums; or
- (e) the Authority determines, on reasonable grounds, that the credit union is unable to meet its obligations as they come due.

29 Subsection 275 (2) of the Act is repealed and the following substituted:

Advertisement, etc., by credit union or league

(2) A credit union may advertise or hold out that it is insured and a league may advertise or hold out that its members are insured if the advertising or holding out is by marks, signs, advertisements or other devices authorized by the Authority rules or by-laws and used in the manner and on the occasions set out by the Authority rules or by-laws.

30 (1) Subsection 276 (2) of the Act is repealed and the following substituted:

Use of the Fund

(2) Subject to subsection (2.1), the Deposit Insurance Reserve Fund may be used to pay only for the following:

1. Deposit insurance claims.
2. The costs associated with the orderly winding up of credit unions in financial difficulty.
3. Financial assistance provided under clause 262 (1) (a).
4. Payments made under clause 262 (1) (b).
5. Assets acquired or liabilities assumed under clause 262 (1) (c).

Same, DICO-FSRA amalgamation

(2.1) The Authority may make a one-time withdrawal of funds from the Deposit Insurance Reserve Fund in accordance with the following:

1. The withdrawal must be made on or before March 31, 2020.
2. The amount of the withdrawal must be equal to the Authority's budgeted revenue from assessments of the credit union sector for the Authority's first assessment period ending March 31, 2020, as set out in the Authority's business plan and approved by the Minister.
3. The withdrawn funds must be used by the Authority for its budgeted expenses and expenditures allocated to the credit union sector.

(2) Subsection 276 (3) of the Act is amended by adding "or (2.1)" at the end.

31 (1) Paragraph 3 of subsection 279 (1) of the Act is repealed and the following substituted:

3. The Chief Executive Officer, on reasonable grounds, believes that the credit union is conducting its affairs in a way that might be expected to harm the interests of members or depositors or that tends to increase the risk of claims by depositors against the Authority.

(2) Paragraphs 5 and 6 of subsection 279 (1) of the Act are repealed and the following substituted:

5. The credit union has failed to comply with an order of the Chief Executive Officer.

32 (1) Subsection 300 (2) of the Act is amended by adding "or" at the end of clause (d), and by repealing clauses (d.1) and (e) and substituting the following:

- (e) the Chief Executive Officer.

(2) Subsection 300 (4.1) of the Act is repealed.

(3) Clause 300 (10) (a) of the Act is amended by striking out "the Superintendent and the Corporation" and substituting "the Chief Executive Officer".

33 Subsection 309 (3) of the Act is amended by striking out "the Minister" at the end and substituting "Authority rule".

34 Paragraph 2 of subsection 310 (2) of the Act is amended by striking out the portion before subparagraph i and substituting the following:

2. The Chief Executive Officer shall not issue a certificate of amalgamation under subsection 309 (8.1) unless the amalgamation would,

.

35 Subsection 314 (1) of the Act is amended by striking out "the Minister" in the portion before clause (a) and substituting "Authority rule".

36 Subsection 315 (3) of the Act is amended by striking out "the Minister" in the portion before clause (a) and substituting "Authority rule".

37 The heading to Part XVI of the Act is repealed and the following substituted:

**PART XVI
REGULATIONS, RULES, FORMS AND FEES**

38 (1) Subsection 317 (1) of the Act is amended by adding the following paragraph:

1. respecting any matter in respect of which the Authority may make Authority rules under section 321.0.4, with necessary modifications;

(2) Paragraph 28 of subsection 317 (1) of the Act is repealed and the following substituted:

28. governing the use of confidential information by the credit unions, the Chief Executive Officer and the Authority;

39 (1) Subsection 321.0.1 (1) of the Act is amended by striking out "or 331.3" at the end.

(2) Subsection 321.0.1 (2) of the Act is amended by striking out "Superintendent or Corporation" wherever it appears and substituting in each case "Chief Executive Officer".

(3) Clause 321.0.1 (2) (a) of the Act is amended by striking out "or 331.3" at the end.

40 The Act is amended by adding the following section:

Authority rules

321.0.4 (1) The Authority may make rules in respect of the following matters:

1. Authorizing, controlling and requiring the use by credit unions of marks, signs, advertisements or devices indicating that deposits with credit unions are insured by the Authority.
2. Establishing standards of sound business and financial practices for credit unions.
3. Governing, for the purposes of section 90, the monthly provision for doubtful loans and the establishment of reserves.

Legislation Act, 2006

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Authority rules.

Regulation prevails

(3) If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and an Authority rule, the regulation prevails, but in all other respects an Authority rule has the same force and effect as a regulation.

Transition, DICO-FSRA amalgamation

(4) On the day section 27 of Schedule 16 to the *Protecting What Matters Most Act (Budget Measures), 2019* comes into force, the by-laws made under section 264 of this Act, as it read immediately before that day, that govern the matters set out in paragraphs 1 and 2 of subsection (1) of this section are deemed to be Authority by-laws made in accordance with the requirements of the *Financial Services Regulatory Authority of Ontario Act, 2016*.

Same

(5) On the day section 7 of Schedule 16 to the *Protecting What Matters Most Act (Budget Measures), 2019* comes into force, the by-laws described in section 24 of Ontario Regulation 237/09 (General), as it read immediately before that day, that govern the matters set out in paragraph 3 of subsection (1) of this section are deemed to be Authority by-laws made in accordance with the requirements of the *Financial Services Regulatory Authority of Ontario Act, 2016*.

Same, termination of by-laws

(6) The Authority may terminate the by-laws described in subsections (4) and (5) at the time and in the manner the Authority considers appropriate.

Rule prevails

(7) If there is a conflict or an inconsistency between a rule made by the Authority under this Act and a by-law described in subsection (4) or (5), the rule prevails.

41 Subsection 322 (1) of the Act is amended by striking out “the Superintendent or the Corporation” and substituting “the Chief Executive Officer”.

42 Subsection 327 (1) of the Act is repealed and the following substituted:

Order to comply

(1) If a credit union or any director, officer, employee or agent of a credit union does not comply with any provision of this Act, the regulations, the Authority rules or by-laws, or the articles of incorporation or by-laws of the credit union, the Chief Executive Officer or a member or creditor of the credit union may apply to the court for an order directing the credit union, director, officer, employee or agent to comply with, or restraining the credit union, director, officer, employee or agent from acting in breach of, the provision.

43 Subsection 331.1 (1) of the Act is amended by striking out “or 331.3” in the portion before paragraph 1.

44 Subsection 331.2 (2) of the Act is repealed and the following substituted:

Requirements for which penalties can be imposed

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

1. A requirement to provide reports to such persons and at such times as required by the Chief Executive Officer under section 89.
2. A requirement under subsection 107 (2) to file copies of a by-law.
3. A requirement, by the Chief Executive Officer under subsection 220 (1), to hold a meeting.
4. A requirement, by the Chief Executive Officer under section 225 or by the Authority under section 226, to provide information.
5. A requirement under section 227 to file an annual return or provide information.
6. A requirement to pay a special levy under clause 262 (1) (d) or an annual premium determined under section 276.1.
7. Such other requirements, as may be prescribed, under provisions of this Act or the regulations.

45 Section 331.3 of the Act is repealed.

46 Section 331.4 of the Act is amended by striking out “or 331.3”.

47 Section 331.5 of the Act is amended by striking out “or 331.3”.

48 Subsection 331.6 (1) of the Act is amended by striking out “or 331.3”.

49 The Act is amended by striking out “the Corporation” wherever it appears in the following provisions and substituting in each case “the Authority”:

1. Paragraph 3 of subsection 16 (2).
2. Paragraph 11 of subsection 92 (1).
3. Sub-subclause 160 (2) (b) (i) (A).
4. Clause 180 (1) (b).
5. Subclause 199 (1) (a) (ii).
6. Section 226.
7. The English version of clauses 262 (1) (k) and (n).
8. Subsections 262 (2), (3) and (4).
9. Subsections 270 (3), (4), (5) and (7).
10. Section 270.1, except for clause (1) (e).
11. Section 271.
12. Section 272.
13. Subsections 274 (2) and (4).
14. Subsection 275 (1).
15. Subsections 276 (1) and (3).
16. Section 276.1.
17. Section 277.
18. Section 278.
19. Paragraph 30 of subsection 317 (1).
20. Section 335.

50 The Act is amended by striking out “Corporation” wherever it appears and substituting in each case “Chief Executive Officer”.

51 The English version of the Act is amended by striking out “Corporation’s” wherever it appear and substituting in each case “Chief Executive Officer’s”.

O. Reg. 237/09

52 Section 24 of Ontario Regulation 237/09 (General) is revoked.

Building Ontario Up Act (Budget Measures), 2015

53 Section 3 of Schedule 8 to the *Building Ontario Up Act (Budget Measures), 2015* is repealed.

Restoring Trust, Transparency and Accountability Act, 2018

54 Sections 6 and 7, subsections 12 (1) and (2) and sections 15 and 16 of Schedule 11 to the *Restoring Trust, Transparency and Accountability Act, 2018* are repealed.

Commencement

55 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Sections 1 to 52 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 17
CROWN LIABILITY AND PROCEEDINGS ACT, 2019

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INTERPRETATION AND APPLICATION

Definitions

1 (1) In this Act,

“Crown” means the Crown in right of Ontario; (“Couronne”)

“Crown agency” means,

- (a) a corporation that is expressly stated by or under an Act to be an agent of the Crown,
- (b) a prescribed corporation, and

(c) a wholly-owned subsidiary of a corporation referred to in clause (a) or (b); (“organisme de la Couronne”)

“Crown corporation” means,

(a) a corporation having 50 per cent or more of its issued and outstanding shares vested in the Crown or having the appointment of a majority of its board of directors made or approved by the Lieutenant Governor in Council or by one or more members of the Executive Council, and

(b) a wholly-owned subsidiary of a corporation referred to in clause (a); (“société de la Couronne”)

“order” includes a judgment, decree, rule, award and declaration; (“ordonnance”)

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

“proceeding” means an action or application for damages and any other civil proceeding in respect of damages to which the rules of court apply; (“instance”)

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

“transfer payment recipient” means a person or other entity that directly or indirectly receives a grant, transfer payment or other funding or financial assistance from the Crown to support, in whole or in part, the delivery of services to members of the public, including,

(a) a municipality,

(b) a hospital within the meaning of the *Public Hospitals Act*,

(c) a private hospital within the meaning of the *Private Hospitals Act*,

(d) a board within the meaning of the *Education Act*,

(e) a university, college of applied arts and technology or other post-secondary institution,

(f) a children’s aid society within the meaning of the *Child, Youth and Family Services Act, 2017*,

(g) a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007*, or

(h) any other prescribed person or entity that directly or indirectly receives any such amounts. (“bénéficiaire d’un paiement de transfert”)

Officer of the Crown

(2) A reference in this Act to an officer of the Crown includes reference to a minister of the Crown.

Act or omission

(3) A reference in this Act to an act or omission includes reference to neglect and default.

Former officers, etc. of the Crown

(4) A reference in this Act to an officer, employee or agent of the Crown includes reference to a former officer, employee or agent of the Crown, in relation to the exercise of powers and the performance of duties and functions in his or her capacity as an officer, employee or agent of the Crown.

Crown bound

2 (1) This Act binds the Crown.

Application of other Acts to the Crown unaffected

(2) Nothing in this Act shall be read as affecting the extent to which the Crown is bound by any other Act.

Same, statutory rights of action

(3) A right conferred on a person by an Act cannot be enforced against the Crown in a proceeding under this Act if the Act that confers the right does not bind the Crown.

Rules of evidence unaffected

3 Nothing in this Act shall be read as affecting any applicable rules of evidence, except where this Act provides otherwise.

Assembly privilege, etc., unaffected

4 Nothing in this Act shall be read as abrogating or limiting any right, immunity, privilege or power of the Assembly or of a committee or member of the Assembly.

Proceedings *in rem*

5 Nothing in this Act authorizes a proceeding *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown.

Acts not affected

6 This Act does not affect and is subject to,

- (a) the *Expropriations Act*;
- (b) the *Public Transportation and Highway Improvement Act*;
- (c) the *Land Titles Act* and the *Registry Act*, in relation to claims against The Land Titles Assurance Fund;
- (d) the *Motor Vehicle Accident Claims Act*;
- (e) Parts V.1 and VI of the *Electricity Act, 1998*;
- (f) the *Workplace Safety and Insurance Act, 1997*; and
- (g) every statute that imposes a tax payable to the Crown or the Minister of Finance.

Conflict with other Acts

7 (1) In the event of a conflict between this Act and any other Act, this Act prevails to the extent of the conflict.

Exception, other immunity provisions

(2) Despite subsection (1), in the case of a conflict between a provision of this Act and a provision in any other Act respecting limits on the liability of the Crown or an officer, employee or agent of the Crown, the provision that provides the greater protection against such liability prevails, unless the other Act expressly provides otherwise.

CROWN LIABILITY

Crown liability

8 (1) Except as otherwise provided under this Act or any other Act, the Crown is subject to all the liabilities in tort to which it would be liable if it were a person,

- (a) in respect of a tort committed by an officer, employee or agent of the Crown;
- (b) in respect of a breach of duty attaching to the ownership, occupation, possession or control of property;
- (c) in respect of a breach of an employment-related obligation owed to an officer or employee of the Crown; and
- (d) under any Act, or under any regulation or by-law made or passed under any Act.

Same

(2) For greater certainty, nothing in clause (1) (a) subjects the Crown to liability for a tort that is not attributable to the acts or omissions of an officer, employee or agent of the Crown.

Limitation of government actors' liability applies to the Crown

(3) The negation or limitation under an Act of the liability of an officer, employee or agent of the Crown in respect of a tort committed by him or her applies to the same extent and in the same manner with respect to the Crown, and no proceeding may be brought against the Crown in respect of an act or omission of an officer, employee or agent of the Crown if a proceeding in tort in respect of such an act or omission may not be brought against that officer, employee or agent or against his or her personal representative.

Indemnity and contribution

(4) The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person.

Limitations on Crown liability

9 (1) The Crown is not liable for torts committed by,

- (a) Crown agencies;
- (b) Crown corporations;
- (c) transfer payment recipients; or
- (d) independent contractors providing services to the Crown for any purpose.

Same

(2) Nothing in this Act subjects the Crown to a proceeding in respect of,

- (a) anything done in good faith in the enforcement of the criminal law or of the penal provisions of an Act; or

- (b) anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in the person or responsibilities that the person has in connection with the execution of judicial process.

Property vesting in the Crown

10 (1) The Crown is not, by reason only of the vesting of property in the Crown independent of the Crown's acts or intentions, subject to liability in tort under clause 8 (1) (b) in relation to the property.

Same

(2) Property that vests in the Crown as a result of the dissolution of a corporation by the Crown is property that vests in the Crown independent of the Crown's acts or intentions within the meaning of subsection (1).

No liability in tort

(3) Where property vests in the Crown in the manner described in subsection (1), the Crown is not liable in tort by reason of any act or omission of the Crown or anyone acting on its behalf or with its approval related to any of the following purposes or a purpose that is similar to any of the following purposes:

1. Investigating, securing, maintaining or managing the property.
2. Restoring the property to productive use, responding to complaints or preserving public health and safety.
3. Exercising any authority in respect of the property under the *Escheats Act, 2015* or the *Forfeited Corporate Property Act, 2015*.

Limitation

(4) Subsections (1) and (3) do not affect the liability of the Crown under this Act in respect of any period after which the Crown or an officer, employee or agent of the Crown,

- (a) in the case of personal property, begins to use the property for Crown purposes; or
- (b) in the case of land, has registered a notice against the title to the property that it intends to use the property for Crown purposes.

Notice

(5) Registration of the Crown on title under subsection 12 (1) of the *Forfeited Corporate Property Act, 2015* or any registration on title to land by the Public Guardian and Trustee is not notice for the purposes of clause (4) (b).

Extinguishment of causes of action respecting certain governmental functions

Acts of a legislative nature

11 (1) No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of any negligence or failure to take reasonable care while exercising or intending to exercise powers or performing or intending to perform duties or functions of a legislative nature, including the development or introduction of a bill, the enactment of an Act or the making of a regulation.

Regulatory decisions

(2) No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of a regulatory decision made in good faith, where,

- (a) a person suffers any form of harm or loss as a result of an act or omission of a person who is the subject of the regulatory decision; and
- (b) the person who suffered the harm or loss claims that the harm or loss resulted from any negligence or failure to take reasonable care in the making of the regulatory decision.

Same, purported failure to make

(3) No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of a purported failure to make a regulatory decision, where,

- (a) a person suffers any form of harm or loss as a result of an act or omission of another person; and
- (b) the person who suffered the harm or loss claims that the harm or loss resulted from any negligence in a purported failure to make a regulatory decision in respect of that other person.

Policy decisions

(4) No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of any negligence or failure to take reasonable care in the making of a decision in good faith respecting a policy matter, or any negligence in a purported failure to make a decision respecting a policy matter.

Same, policy matters

- (5) For the purposes of subsection (4), a policy matter includes,
- (a) the creation, design, establishment, redesign or modification of a program, project or other initiative, including,
 - (i) the terms, scope or features of the program, project or other initiative,
 - (ii) the eligibility or exclusion of any person or entity or class of persons or entities to participate in the program, project or other initiative, or the requirements or limits of such participation, or
 - (iii) limits on the duration of the program, project or other initiative, including any discretionary right to terminate or amend the operation of the program, project or other initiative;
 - (b) the funding of a program, project or other initiative, including,
 - (i) providing or ceasing to provide such funding,
 - (ii) increasing or reducing the amount of funding provided,
 - (iii) including, not including, amending or removing any terms or conditions in relation to such funding, or
 - (iv) reducing or cancelling any funding previously provided or committed in support of the program, project or other initiative;
 - (c) the manner in which a program, project or other initiative is carried out, including,
 - (i) the carrying out, on behalf of the Crown, of some or all of a program, project or other initiative by another person or entity, including a Crown agency, Crown corporation, transfer payment recipient or independent contractor,
 - (ii) the terms and conditions under which the person or entity will carry out such activities,
 - (iii) the Crown's degree of supervision or control over the person or entity in relation to such activities, or
 - (iv) the existence or content of any policies, management procedures or oversight mechanisms concerning the program, project or other initiative;
 - (d) the termination of a program, project or other initiative, including the amount of notice or other relief to be provided to affected members of the public as a result of the termination;
 - (e) the making of such regulatory decisions as may be prescribed; and
 - (f) any other policy matter that may be prescribed.

Definition, "regulatory decision"

(6) In this section,

"regulatory decision" means a decision respecting,

- (a) whether a person, entity, place or thing has met a requirement under an Act,
- (b) whether a person or entity has contravened any duty or other obligation set out under an Act,
- (c) whether a licence, permission, certificate or other authorization should be issued under an Act,
- (d) whether a condition or limitation in respect of a licence, permission, certificate or other authorization should be imposed, amended or removed under an Act,
- (e) whether an investigation, inspection or other assessment should be conducted under an Act, or the manner in which an investigation, inspection or other assessment under an Act is conducted,
- (f) whether to carry out an enforcement action under an Act, or the manner in which an enforcement action under an Act is carried out, or
- (g) any other matter that may be prescribed.

Proceedings barred

(7) No proceeding may be brought or maintained against the Crown or an officer, employee or agent of the Crown in respect of a matter referred to in subsection (1), (2), (3) or (4).

Proceedings set aside

(8) A proceeding that may not be maintained under subsection (7) is deemed to have been dismissed, without costs, on the day on which the cause of action is extinguished under subsection (1), (2), (3) or (4).

Common law defences unaffected

(9) Nothing in this section shall be read as abrogating or limiting any defence or immunity which the Crown or an officer, employee or agent of the Crown may raise at common law.

No inference of policy matters as justiciable

(10) Nothing in this section shall be read as indicating that a matter that is a policy matter for the purposes of subsection (4) is justiciable.

PROCEEDINGS INVOLVING THE CROWN

Crown may make claims, rely on defences as if a person

12 Except as otherwise provided under this Act, the Crown may, in a proceeding to which it is a party, make any claim or rely on any right or defence that a person may make or rely on in a proceeding, and the court may make any order in such a proceeding as it may make in a proceeding between persons.

Rules of court

13 Except as otherwise provided under this Act, the rules of court apply with respect to a proceeding to which the Crown is a party.

Designation of Crown

14 In a proceeding to which the Crown is a party, the Crown shall be designated “Her Majesty the Queen in right of Ontario” or “Sa Majesté du chef de l’Ontario”.

Service on the Crown

15 A document to be served personally on the Crown in a proceeding to which it is a party shall be served by leaving a copy of the document with an employee of the Crown at the Crown Law Office (Civil Law) of the Ministry of the Attorney General.

Petition of right abolished

16 (1) Proceeding against the Crown by way of petition of right is abolished, and any claim against the Crown, regardless of when it arose, that may have been enforced by petition of right subject to the grant of a fiat by the Lieutenant Governor may be enforced as of right by a proceeding against the Crown in accordance with this Act.

No revival

(2) For greater certainty, subsection (1) does not subject the Crown to a proceeding in respect of a claim based on an act or omission occurring or existing before September 1, 1963 that would not, before that date, have been enforceable against the Crown by petition of right, subject to the grant of a fiat by the Lieutenant Governor.

No proceeding for misfeasance, bad faith without leave

17 (1) No proceeding may, without leave of the court, be brought against the Crown or an officer or employee of the Crown in respect of a tort of misfeasance in public office or a tort based on bad faith respecting anything done in the exercise or intended exercise of the officer or employee’s powers or the performance or intended performance of the officer or employee’s duties or functions.

Required documents

(2) On a motion for leave under subsection (1), the plaintiff shall, in accordance with section 15 if applicable, serve on the defendant and file,

- (a) an affidavit setting out a concise statement of the material facts on which the plaintiff intends to rely for the claim; and
- (b) an affidavit of documents disclosing, to the full extent of the plaintiff’s knowledge, information and belief, all documents relevant to any matter in issue in the proceeding that are or have been in the plaintiff’s possession, control or power.

Crown affidavit

(3) On a motion for leave under subsection (1), the Crown may serve on the plaintiff and file an affidavit setting out a concise statement of the material facts on which the Crown intends to rely for the defence, but is not required to do so.

Examinations

(4) The maker of an affidavit referred to in subsection (2) or (3), but no other person, may be examined on the contents of the affidavit.

No discovery of the Crown

(5) The Crown shall not be subject to discovery or the inspection of documents, or to examination for discovery, in relation to a motion for leave under subsection (1).

Requirements for leave

- (6) The court shall not grant leave unless it is satisfied that,
- (a) the proceeding is being brought in good faith; and
 - (b) there is a reasonable possibility that the proceeding would be resolved in the plaintiff's favour.

Costs

- (7) Each party to a motion under subsection (1) shall bear its own costs of the motion.

Notice of claim for damages required

18 (1) No proceeding that includes a claim for damages may be brought against the Crown unless, at least 60 days before the commencement of the proceeding, the claimant serves on the Crown, in accordance with section 15, notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose.

Additional particulars

- (2) The Attorney General may require such additional particulars as in his or her opinion are necessary to enable the claim to be investigated.

Extension of applicable limitation period

- (3) If a notice of claim is served under subsection (1) before the expiry of a limitation period applicable with respect to the claim but the 60-day period referred to in that subsection ends after the expiry of the limitation period, the limitation period is extended to the last instant of the seventh day following the end of the 60-day period.

Exception, breach of duty respecting property

- (4) Despite subsection (1), no proceeding that includes a claim for damages may be brought against the Crown under clause 8 (1) (b) unless the notice required by subsection (1) is served on the Crown in accordance with section 15 no later than 10 days after the occurrence of the event out of which the claim arises.

Non-application

- (5) This section does not apply with respect to a counterclaim, crossclaim or claim by way of set-off.

Discovery**Where Crown is a party**

19 (1) In a proceeding to which the Crown is a party, the rules of court respecting discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, with the following exceptions:

1. The Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest.
2. The person who shall attend to be examined for discovery shall be an official designated by the Deputy Attorney General.
3. The Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Attorney General, shall be delivered.
4. Any other exception that may be prescribed.

Where Crown is not a party

- (2) Nothing in this Act subjects the Crown or an officer or employee of the Crown to the discovery and inspection of documents or to examination for discovery in a proceeding to which the Crown is not a party.

Trial without jury

20 In a proceeding against the Crown or an officer or employee of the Crown, trial shall be without a jury.

Interpleader

21 The Crown may obtain relief by way of an interpleader proceeding, and may be made a party to such a proceeding, in the same manner as a person may obtain relief by way of such a proceeding or be made a party to such a proceeding, even if the application or motion for relief is made by a sheriff or bailiff or other like officer.

No injunction or specific performance**Against the Crown**

22 (1) If relief is sought in a proceeding against the Crown that might, in a proceeding between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance.

Against officer or employee of the Crown

(2) A court shall not in any proceeding grant an injunction or make an order against an officer or employee of the Crown if the effect of doing so would be to give any relief against the Crown that could not have been obtained in a proceeding against the Crown.

Declaratory orders

(3) Subject to subsection (4), the court may, in lieu of making an order referred to in subsection (1) or (2), make an order declaratory of the rights of the parties.

Exception

(4) The court shall not make an interim or interlocutory order declaratory of the rights of the parties.

No order for recovery of property

23 In a proceeding against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but may in lieu make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession of the property.

Restrictions on set-off and counterclaim

24 (1) A person is not entitled to claim a set-off or to make a counterclaim in a proceeding by the Crown for the recovery of taxes, duties or penalties, and is not entitled to claim a set-off or make a counterclaim in any other proceeding by the Crown arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Same

(2) Subject to subsection (1), a person may claim a set-off or make a counterclaim in a proceeding by the Crown if the subject-matter of the set-off or counterclaim relates to a matter under the administration of the particular ministry with respect to which the proceeding is brought by the Crown.

No default judgment against the Crown without leave

25 The Crown may not be noted in default in a proceeding, nor judgment entered against the Crown in default of appearance or pleading, except with leave of the court to be obtained on motion, notice of which has been served on the Crown in accordance with section 15.

Interest on judgment debt

26 A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another.

No execution against the Crown

27 (1) Subject to subsections (2) and (3), no execution or attachment or other process of a similar nature shall be issued out of any court against the Crown.

Garnishments against the Crown

(2) A garnishment that is otherwise lawful may issue against the Crown for the payment of money owing or accruing as remuneration payable by the Crown for goods or services, subject to section 7 of the *Wages Act*.

Garnishment for support or maintenance

(3) A garnishment may issue against the Crown for an amount owing or accruing under an order for support or maintenance, subject to section 7 of the *Wages Act*.

Notice of garnishment

(4) Notice of a garnishment referred to in subsection (2) or (3) shall be in the prescribed form, and shall, despite section 15, be served on the Crown in the prescribed manner.

GENERAL MATTERS

Payment by the Crown

28 The Minister of Finance shall pay out of the Consolidated Revenue Fund amounts payable by the Crown under,

- (a) an order of a court that is final and not subject to appeal;
- (b) the settlement or partial settlement of a proceeding;
- (c) the settlement or partial settlement of a claim that is the subject of a notice of claim under section 18;
- (d) the settlement or partial settlement of an anticipated proceeding or claim which, in the Attorney General's opinion, could result in a judgment or other finding of liability against the Crown;

- (e) an order of an administrative tribunal or an arbitration award that is final and not subject to appeal, or the settlement or partial settlement of a matter or anticipated matter before an administrative tribunal or arbitrator; or
- (f) a final order to pay made by a competent authority under a trade agreement that the Crown has entered into with the government of another province or territory of Canada, the government of Canada or any combination of those governments.

No compensation

29 No person is entitled to any compensation for any loss or damages, including loss of revenues or loss of profit, arising from the enactment, repeal or application of this Act or the making, revocation or application of the regulations.

Regulations

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

- (a) respecting anything that, in this Act, may or must be prescribed or done by regulation;
- (b) defining any term or phrase used in this Act that is not defined in this Act.

Retroactive regulations

(2) If it so provides, a regulation made under subsection (1) is effective with reference to a period before the regulation was filed.

Application to existing claims, proceedings

(3) If it so provides, a regulation made under subsection (1) applies to claims or proceedings that existed before the regulation comes into force.

Transition

Application of Act to claims

31 (1) This Act applies with respect to a claim against the Crown or an officer, employee or agent of the Crown regardless of when the claim arose, except as provided in subsection (3).

Application of Act to new proceedings

(2) This Act applies with respect to a proceeding commenced by the Crown, or against the Crown or an officer, employee or agent of the Crown, on or after the day this section comes into force, regardless of when the facts on which the proceeding is based occurred or are alleged to have occurred.

Application of former Act to existing proceedings

(3) Subject to subsection (4), the *Proceedings Against the Crown Act*, as it read immediately before its repeal, continues to apply with respect to proceedings commenced against the Crown or an officer, employee or agent of the Crown before the day this section came into force, and to the claims included in those proceedings.

Exception, extinguishment of causes of action

(4) Section 11 and the extinguishment of causes of action and dismissal of proceedings under that section apply with respect to proceedings commenced against the Crown or an officer, employee or agent of the Crown before the day this section came into force.

AMENDMENT TO THIS ACT

Amendment to this Act

32 Clause (c) of the definition of “transfer payment recipient” in subsection 1 (1) of this Act is repealed and the following substituted:

- (c) a community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017*,

REPEAL, REVOCATION AND AMENDMENTS TO OTHER ACTS

Repeal

33 The *Proceedings Against the Crown Act* is repealed.

Revocation

34 Regulation 940 of the Revised Regulations of Ontario, 1990 (Garnishment) made under the *Proceedings Against the Crown Act* is revoked.

Aggregate Resources Act

35 Subsection 4.1 (2) of the *Aggregate Resources Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

AgriCorp Act, 1996

36 Subsection 9 (2) of the *AgriCorp Act, 1996* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ambulance Act

37 Subsection 25 (3) of the *Ambulance Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Animal Health Act, 2009

38 Subsection 54 (2) of the *Animal Health Act, 2009* is amended by,

- (a) striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”; and
- (b) striking out “an agent or servant of the Crown” and substituting “a person referred to in subsection (1)”.

Archives and Recordkeeping Act, 2006

39 Subsection 9 (2) of the *Archives and Recordkeeping Act, 2006* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Assessment Review Board Act

40 Subsection 11 (3) of the *Assessment Review Board Act* is amended by,

- (a) striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”; and
- (b) striking out “an agent or servant of the Crown” and substituting “a person referred to in subsection (1)”.

Business Regulation Reform Act, 1994

41 Subsection 16 (4) of the *Business Regulation Reform Act, 1994* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Cannabis Licence Act, 2018

42 Subsection 48 (2) of the *Cannabis Licence Act, 2018* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Child Care and Early Years Act, 2014

43 Subsection 69 (2) of the *Child Care and Early Years Act, 2014* is amended by striking out “subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Child, Youth and Family Services Act, 2017

44 (1) Subsection 46 (12) of the *Child, Youth and Family Services Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 331 (2) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Christopher’s Law (Sex Offender Registry), 2000

45 Subsection 12 (2) of *Christopher’s Law (Sex Offender Registry), 2000* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

City of Greater Sudbury Act, 1999

46 Subsection 24 (3) of the *City of Greater Sudbury Act, 1999* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

City of Hamilton Act, 1999

47 Subsection 24 (3) of the *City of Hamilton Act, 1999* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

City of Ottawa Act, 1999

48 Subsection 25 (3) of the *City of Ottawa Act, 1999* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Civil Remedies Act, 2001

49 Subsection 20 (4) of the *Civil Remedies Act, 2001* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Clean Water Act, 2006

50 Subsection 99 (3) of the *Clean Water Act, 2006* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Commodity Futures Act

51 Subsection 64 (3) of the *Commodity Futures Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Community Safety and Policing Act, 2019

52 Subsection 146 (2) of the *Community Safety and Policing Act, 2019* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) of this section” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1)”.

Community Small Business Investment Funds Act, 1992

53 Subsection 42 (2) of the *Community Small Business Investment Funds Act, 1992* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Condominium Act, 1998

54 Subsection 1.16 (2) of the *Condominium Act, 1998* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Condominium Management Services Act, 2015

55 Subsection 17 (2) of the *Condominium Management Services Act, 2015* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Construction Act

56 Subsection 3 (3) of the *Construction Act* is amended by striking out “Section 7 of the *Proceedings Against the Crown Act*” at the beginning and substituting “Section 18 of the *Crown Liability and Proceedings Act, 2019*”.

Correctional Services and Reintegration Act, 2018

57 (1) Subsection 18 (2) of the *Correctional Services and Reintegration Act, 2018* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 34 (2) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(3) Subsection 140 (2) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Crown Attorneys Act

58 Subsection 14.3 (4) of the *Crown Attorneys Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Delegated Administrative Authorities Act, 2012

59 (1) Subsection 31 (2) of the *Delegated Administrative Authorities Act, 2012* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 39 (12) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(3) Subsection 40 (4) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Development Corporations Act

60 Subsection 19 (3) of the *Development Corporations Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Education Act

61 Subsections 346 (3) and (5) of the *Education Act* are amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” wherever it appears and substituting in each case “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Education Quality and Accountability Office Act, 1996

62 Subsection 28 (2) of the *Education Quality and Accountability Office Act, 1996* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Electronic Land Registration Services Act, 2010

63 Subsection 3 (12) of the *Electronic Land Registration Services Act, 2010* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Emergency Management and Civil Protection Act

64 Subsection 11 (2) of the *Emergency Management and Civil Protection Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

English and Wabigoon Rivers Remediation Funding Act, 2017

65 Subsection 17 (3) of the *English and Wabigoon Rivers Remediation Funding Act, 2017* is repealed and the following substituted:

Crown liability

(3) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsections (1) and (2) do not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) or (2) to which the Crown would otherwise be subject.

Environmental Assessment Act

66 Subsection 32 (2) of the *Environmental Assessment Act* is repealed and the following substituted:

Crown not relieved of 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 in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Environmental Bill of Rights, 1993

67 Subsection 119 (2) of the *Environmental Bill of Rights, 1993* is repealed and the following substituted:

Crown not relieved of 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 in respect of a tort committed by any person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Environmental Protection Act

68 Subsection 180 (2) of the *Environmental Protection Act* is repealed and the following substituted:

Crown not relieved of 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 in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Environmental Review Tribunal Act, 2000

69 Subsection 8.1 (3) of the *Environmental Review Tribunal Act, 2000* is repealed and the following substituted:

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 in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Escheats Act, 2015

70 (1) Subsection 10 (5) of the *Escheats Act, 2015* is amended by striking out “subsection 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 15 (9) of the Act is amended by striking out “subsection 5 (5.2) of the *Proceedings Against the Crown Act*” at the end and substituting “subsection 10 (4) of the *Crown Liability and Proceedings Act, 2019*”.

Expropriations Act

71 Subsection 27 (9) of the *Expropriations Act* is repealed and the following substituted:

Crown liability

(9) Subsection (7) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (7) to which it would otherwise be subject.

Family Responsibility and Support Arrears Enforcement Act, 1996

72 Subsection 59 (2) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Farm Registration and Farm Organizations Funding Act, 1993

73. Subsection 31.8 (2) of the *Farm Registration and Farm Organizations Funding Act, 1993* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Financial Administration Act

74 Subsection 1.0.17 (4) of the *Financial Administration Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Financial Services Commission of Ontario Act, 1997

75 Subsection 10 (1.1) of the *Financial Services Commission of Ontario Act, 1997* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Financial Services Tribunal Act, 2017

76 Subsection 14 (2) of the *Financial Services Tribunal Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Fire Protection and Prevention Act, 1997

77 (1) Subsection 69 (2) of the *Fire Protection and Prevention Act, 1997* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 74 (2) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Food Safety and Quality Act, 2001

78 Subsection 50 (5) of the *Food Safety and Quality Act, 2001* is repealed and the following substituted:

Crown liability

(5) Subsection (4) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (4) to which it would otherwise be subject.

Forfeited Corporate Property Act, 2015

79 Subsection 4 (5) of the *Forfeited Corporate Property Act, 2015* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Freedom of Information and Protection of Privacy Act

80 Subsection 62 (3) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Fuel Tax Act

81 Subsection 28.1.1 (5) of the *Fuel Tax Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Gasoline Tax Act

82 Subsection 32.1 (5) of the *Gasoline Tax Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Healing Arts Radiation Protection Act

83 Subsection 26 (2) of the *Healing Arts Radiation Protection Act* is repealed and the following substituted:

Crown not relieved of 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 in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Health Protection and Promotion Act

84 Subsection 95 (1.1) of the *Health Protection and Promotion Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Health Sector Payment Transparency Act, 2017

85 Subsection 15 (2) of the *Health Sector Payment Transparency Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Higher Education Quality Council of Ontario Act, 2005

86 Subsection 3 (2) of the *Higher Education Quality Council of Ontario Act, 2005* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Highway 407 Act, 1998

87 Subsection 42 (2) of the *Highway 407 Act, 1998* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Highway Traffic Act

88 (1) Subsection 5.4 (2) of the *Highway Traffic Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 17.1 (11) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(3) Subsection 55.1 (30) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(4) Subsection 57 (18) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(5) Subsection 82.1 (32) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(6) Subsection 100.3 (3) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(7) Subsection 134.1 (4.2) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(8) Subsection 198.3 (2) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Home Care and Community Services Act, 1994

89 Subsection 61 (3) of the *Home Care and Community Services Act, 1994* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Home Inspection Act, 2017

90 (1) Subsection 18 (2) of the *Home Inspection Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 25 (11) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(3) Subsection 26 (4) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Horse Racing Licence Act, 2015

91 Subsection 36 (2) of the *Horse Racing Licence Act, 2015* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Improving Customer Service for Road Users Act, 2001

92 Subsection 14 (3) of the *Improving Customer Service for Road Users Act, 2001* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Independent Health Facilities Act

93 Subsection 38 (1) of the *Independent Health Facilities Act* is amended by striking out “sections 5 and 23 of the *Proceedings Against the Crown Act*” and substituting “section 8 of the *Crown Liability and Proceedings Act, 2019*”.

Interjurisdictional Support Orders Act, 2002

94 Subsection 41 (4) of the *Interjurisdictional Support Orders Act, 2002* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Invasive Species Act, 2015

95 Subsection 54 (2) of the *Invasive Species Act, 2015* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Lake Simcoe Protection Act, 2008

96 Subsection 26 (38) of the *Lake Simcoe Protection Act, 2008* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Lakes and Rivers Improvement Act

97 Subsection 9 (2) of the *Lakes and Rivers Improvement Act* is repealed and the following substituted:

Crown not relieved of 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 in respect of a tort committed by any person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Land Titles Act

98 Subsection 16 (2) of the *Land Titles Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Legal Aid Services Act, 1998

99 Subsection 81 (2) of the *Legal Aid Services Act, 1998* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Local Planning Appeal Tribunal Act, 2017

100 Subsection 9 (2) of the *Local Planning Appeal Tribunal Act, 2017* is amended by striking out “subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Milk Act

101 Subsection 2.8 (2) of the *Milk Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Mining Act

102 Subsection 4 (4) of the *Mining Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Agriculture, Food and Rural Affairs Act

103 Subsection 6 (2) of the *Ministry of Agriculture, Food and Rural Affairs Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Citizenship and Culture Act

104 Subsection 8 (2) of the *Ministry of Citizenship and Culture Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Community and Social Services Act

105 Subsection 4 (4) of the *Ministry of Community and Social Services Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Community Safety and Correctional Services Act, 2018

106 Subsection 8 (2) of the *Ministry of Community Safety and Correctional Services Act, 2018* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Consumer and Business Services Act

107 Subsection 8 (3) of the *Ministry of Consumer and Business Services Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Correctional Services Act

108 Subsection 12 (2) of the *Ministry of Correctional Services Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Economic Development and Trade Act

109 Subsection 10 (2) of the *Ministry of Economic Development and Trade Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Energy Act, 2011

110 Subsection 6 (2) of the *Ministry of Energy Act, 2011* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Government Services Act

111 Subsection 15 (2) of the *Ministry of Government Services Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Infrastructure Act, 2011

112 Subsection 6 (2) of the *Ministry of Infrastructure Act, 2011* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Intergovernmental Affairs Act

113 Subsection 7 (2) of the *Ministry of Intergovernmental Affairs Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Labour Act

114 Subsection 4.1 (2) of the *Ministry of Labour Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Municipal Affairs and Housing Act

115 Subsection 7 (2) of the *Ministry of Municipal Affairs and Housing Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Natural Resources Act

116 Subsection 5 (4) of the *Ministry of Natural Resources Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Northern Development, Mines and Forestry Act

117 Subsection 5 (3) of the *Ministry of Northern Development, Mines and Forestry Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Revenue Act

118 Subsection 8 (2) of the *Ministry of Revenue Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of the Attorney General Act

119 Subsection 8 (5) of the *Ministry of the Attorney General Act* is amended by striking out “Subsections 7 (1) and (2) and sections 8, 10, 11 and 22 of the *Proceedings Against the Crown Act*” at the beginning and substituting “Section 16, subsections 18 (1) to (3) and sections 19, 20 and 28 of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Tourism and Recreation Act

120 Subsection 9 (2) of the *Ministry of Tourism and Recreation Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Training, Colleges and Universities Act

121 Subsection 4.2 (2) of the *Ministry of Training, Colleges and Universities Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ministry of Transportation Act

122 Subsection 9 (2) of the *Ministry of Transportation Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Motorized Snow Vehicles Act

123 Subsection 10.1 (3) of the *Motorized Snow Vehicles Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Narcotics Safety and Awareness Act, 2010

124 Subsection 16 (2) of the *Narcotics Safety and Awareness Act, 2010* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

New Home Construction Licensing Act, 2017

125 (1) Subsection 17 (2) of the *New Home Construction Licensing Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 24 (11) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(3) Subsection 25 (4) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Nutrient Management Act, 2002

126 Subsection 57 (6) of the *Nutrient Management Act, 2002* is repealed and the following substituted:

Crown liability

(6) Subsection (5) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (5) to which it would otherwise be subject.

Occupational Health and Safety Act

127 Subsection 65 (2) of the *Occupational Health and Safety Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Occupiers’ Liability Act

128 Subsection 10 (1) of the *Occupiers’ Liability Act* is amended by striking out “*Proceedings Against the Crown Act*” at the end and substituting “*Crown Liability and Proceedings Act, 2019*”.

Oil, Gas and Salt Resources Act

129 Subsection 17.2 (2) of the *Oil, Gas and Salt Resources Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario Agency for Health Protection and Promotion Act, 2007

130 Subsection 27 (3) of the *Ontario Agency for Health Protection and Promotion Act, 2007* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario Disability Support Program Act, 1997

131 Subsection 58 (2) of the *Ontario Disability Support Program Act, 1997* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario Energy Board Act, 1998

132 Subsection 11 (3) of the *Ontario Energy Board Act, 1998* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario Fair Hydro Plan Act, 2017

133 Subsection 39 (3) of the *Ontario Fair Hydro Plan Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario Heritage Act

134 Subsection 24.1 (3) of the *Ontario Heritage Act* is repealed and the following substituted:

Crown liability

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

Ontario Highway Transport Board Act

135 Subsection 11 (2) of the *Ontario Highway Transport Board Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario New Home Warranties Plan Act

136 (1) Subsection 5.1 (12) of the *Ontario New Home Warranties Plan Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 5.2 (4) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Ontario Water Resources Act

137 Subsection 93 (2) of the *Ontario Water Resources Act* is amended by,

- (a) striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”; and
- (b) striking out “an agent or servant of the Crown” and substituting “a person described in subsection (1)”.

Ontario Works Act, 1997

138 Subsection 77 (2) of the *Ontario Works Act, 1997* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Personal Health Information Protection Act, 2004

139 Subsection 71 (2) of the *Personal Health Information Protection Act, 2004* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Personal Property Security Act

140 Subsection 42 (6) of the *Personal Property Security Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Pesticides Act

141 Subsection 16 (2) of the *Pesticides Act* is repealed and the following substituted:

Crown not relieved of 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 in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Photo Card Act, 2008

142 Subsection 22 (3) of the *Photo Card Act, 2008* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Private Security and Investigative Services Act, 2005

143 Subsection 48 (2) of the *Private Security and Investigative Services Act, 2005* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Protection for Owners and Purchasers of New Homes Act, 2017

144 (1) Subsection 20 (2) of the *Protection for Owners and Purchasers of New Homes Act, 2017* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) of this section” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1)”.

(2) Subsection 27 (11) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (10) of this section” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10)”.

(3) Subsection 28 (4) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, of this section subsection (3)” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3)”.

Public Guardian and Trustee Act

145 Subsection 5.1 (2) of the *Public Guardian and Trustee Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Public Hospitals Act

146 Subsection 10 (2) of the *Public Hospitals Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Public Inquiries Act, 2009

147 Subsection 23 (2) of the *Public Inquiries Act, 2009* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Public Sector Compensation Restraint to Protect Public Services Act, 2010

148 Subsection 20 (2) of the *Public Sector Compensation Restraint to Protect Public Services Act, 2010* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Public Service of Ontario Act, 2006

149 (1) Subsection 13 (2) of the *Public Service of Ontario Act, 2006* is amended by striking out “subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 27 (2) of the Act is amended by striking out “subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Public Transportation and Highway Improvement Act

150 Subsection 26.1 (6) of the *Public Transportation and Highway Improvement Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Registry Act

151 Subsection 118 (2) of the *Registry Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Regulatory Modernization Act, 2007

152 Subsection 16 (2) of the *Regulatory Modernization Act, 2007* is repealed and the following substituted:

Crown remains liable

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

Residential Tenancies Act, 2006

153 Subsection 232 (2) of the *Residential Tenancies Act, 2006* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Resource Recovery and Circular Economy Act, 2016

154 Subsection 54 (12) of the *Resource Recovery and Circular Economy Act, 2016* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Retail Sales Tax Act

155 Subsection 2.6 (2) of the *Retail Sales Tax Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Retirement Homes Act, 2010

156 Subsection 32 (10) of the *Retirement Homes Act, 2010* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Safe Drinking Water Act, 2002

157 Subsection 158 (2) of the *Safe Drinking Water Act, 2002* is amended by,

- (a) striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”; and
- (b) striking out “an agent or servant of the Crown” and substituting “a person mentioned in subsection (1)”.

Safety and Consumer Statutes Administration Act, 1996

158 Subsection 11 (2) of the *Safety and Consumer Statutes Administration Act, 1996* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Securities Act

159 Subsection 141 (3) of the *Securities Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008

160 Subsection 33 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* is repealed and the following substituted:

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 in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Special Investigations Unit Act, 2019

161 Subsection 13 (2) of the *Special Investigations Unit Act, 2019* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) of this section” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1)”.

Substitute Decisions Act, 1992

162 Subsection 87 (3) of the *Substitute Decisions Act, 1992* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Technical Standards and Safety Act, 2000

163 (1) Subsection 3.17 (2) of the *Technical Standards and Safety Act, 2000* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) Subsection 3.23 (12) of the Act is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Tobacco Tax Act

164 Subsection 13.2 (5) of the *Tobacco Tax Act* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Town of Haldimand Act, 1999

165 Subsection 31 (3) of the *Town of Haldimand Act, 1999* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Town of Norfolk Act, 1999

166 Subsection 26 (3) of the *Town of Norfolk Act, 1999* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Toxics Reduction Act, 2009

167 Subsection 47 (3) of the *Toxics Reduction Act, 2009* is repealed and the following substituted:

Crown not relieved of liability

(3) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Trillium Gift of Life Network Act

168 Subsection 9 (2) of the *Trillium Gift of Life Network Act* is amended by striking out “sections 5 and 23 of the *Proceedings Against the Crown Act*” and substituting “section 8 of the *Crown Liability and Proceedings Act, 2019*”.

Workplace Safety and Insurance Act, 1997

169 Subsection 179 (3) of the *Workplace Safety and Insurance Act, 1997* is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

Bill 87 — *Fixing the Hydro Mess Act, 2019*

170 (1) This section applies only if Bill 87 (*Fixing the Hydro Mess Act, 2019*), introduced on March 21, 2019, receives Royal Assent.

(2) References in this section to provisions of Bill 87 are references to those provisions as they were numbered in the first reading version of the Bill.

(3) On the later of the day this section comes into force and the day section 7 of Schedule 3 to Bill 87 comes into force, subsection 37 (2) of the *Ontario Fair Hydro Plan Act, 2017* is repealed and the following substituted:

Crown Liability and Proceedings Act, 2019

(2) For greater certainty, this Act prevails over sections 5 and 27 of the *Crown Liability and Proceedings Act, 2019*.

Amendments in respect of this Bill — *Protecting What Matters Most Act (Budget Measures), 2019*

171 (1) On the later of the day this section comes into force and the day subsection 44 (2) of Schedule 9 to this Bill comes into force, subsection 44 (2) of the *Combative Sports Act, 2019*, as set out in that Schedule, is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(2) On the later of the day this section comes into force and the day section 6 of Schedule 22 to this Bill comes into force, subsection 16 (2) of the *Farm Products Payments Act*, as set out in that Schedule, is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(3) On the later of the day this section comes into force and the day section 2 of Schedule 47 to this Bill comes into force, subsection 2.8 (2) of the *Ontario New Home Warranties Plan Act*, as set out in that Schedule, is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(4) On the later of the day this section comes into force and the day subsection 6 (2) of Schedule 60 to this Bill comes into force, subsection 6 (2) of the *Tribunal Adjudicative Records Act, 2019*, as set out in that Schedule, is amended by striking out “subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*” and substituting “subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*”.

(5) References in this section to provisions of this Bill are references to those provisions as they were numbered in the first reading version of the Bill.

COMMENCEMENT AND SHORT TITLE

Commencement

172 (1) Subject to subsections (2) to (25), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 32 comes into force on the later of the day section 33 comes into force and the day section 1 of Schedule 9 (*Oversight of Health Facilities and Devices Act, 2017*) to the *Strengthening Quality and Accountability for Patients Act, 2017* comes into force.

(3) Subsection 44 (2) comes into force on the later of the day section 33 comes into force and the day subsection 331 (2) of Schedule 1 (*Child, Youth and Family Services Act, 2017*) to the *Supporting Children, Youth and Families Act, 2017* comes into force.

(4) Section 52 comes into force on the later of the day section 33 comes into force and the day subsection 146 (2) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

(5) Subsection 57 (1) comes into force on the later of the day section 33 comes into force and the day subsection 18 (2) of Schedule 2 (*Correctional Services and Reintegration Act, 2018*) to the *Correctional Services Transformation Act, 2018* comes into force.

- (6) Subsection 57 (2) comes into force on the later of the day section 33 comes into force and the day subsection 34 (2) of Schedule 2 (*Correctional Services and Reintegration Act, 2018*) to the *Correctional Services Transformation Act, 2018* comes into force.
- (7) Subsection 57 (3) comes into force on the later of the day section 33 comes into force and the day subsection 140 (2) of Schedule 2 (*Correctional Services and Reintegration Act, 2018*) to the *Correctional Services Transformation Act, 2018* comes into force.
- (8) Subsection 59 (1) comes into force on the later of the day section 33 comes into force and the day subsection 31 (2) of Schedule 11 (*Delegated Administrative Authorities Act, 2012*) to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force.
- (9) Subsection 59 (2) comes into force on the later of the day section 33 comes into force and the day subsection 39 (12) of Schedule 11 (*Delegated Administrative Authorities Act, 2012*) to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force.
- (10) Subsection 59 (3) comes into force on the later of the day section 33 comes into force and the day subsection 40 (4) of Schedule 11 (*Delegated Administrative Authorities Act, 2012*) to the *Strong Action for Ontario Act (Budget Measures), 2012* comes into force.
- (11) Section 73 comes into force on the later of the day section 33 comes into force and the day section 10 of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019* comes into force.
- (12) Section 85 comes into force on the later of the day section 33 comes into force and the day subsection 15 (2) of Schedule 4 (*Health Sector Payment Transparency Act, 2017*) to the *Strengthening Quality and Accountability for Patients Act, 2017* comes into force.
- (13) Subsection 88 (6) comes into force on the later of the day section 33 comes into force and the day section 32 of the *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015* comes into force.
- (14) Subsection 88 (7) comes into force on the later of the day section 33 comes into force and the day subsection 43 (2) of the *Road Safety Act, 2009* comes into force.
- (15) Subsection 90 (1) comes into force on the later of the day section 33 comes into force and the day subsection 18 (2) of Schedule 1 (*Home Inspection Act, 2017*) to the *Putting Consumers First Act (Consumer Protection Statute Law Amendment), 2017* comes into force.
- (16) Subsection 90 (2) comes into force on the later of the day section 33 comes into force and the day subsection 25 (11) of Schedule 1 (*Home Inspection Act, 2017*) to the *Putting Consumers First Act (Consumer Protection Statute Law Amendment), 2017* comes into force.
- (17) Subsection 90 (3) comes into force on the later of the day section 33 comes into force and the day subsection 26 (4) of Schedule 1 (*Home Inspection Act, 2017*) to the *Putting Consumers First Act (Consumer Protection Statute Law Amendment), 2017* comes into force.
- (18) Section 106 comes into force on the later of the day section 33 comes into force and the day subsection 8 (2) of Schedule 1 (*Ministry of Community Safety and Correctional Services Act, 2018*) to the *Correctional Services Transformation Act, 2018* comes into force.
- (19) Subsection 125 (1) comes into force on the later of the day section 33 comes into force and the day subsection 17 (2) of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force.
- (20) Subsection 125 (2) comes into force on the later of the day section 33 comes into force and the day subsection 24 (11) of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force.
- (21) Subsection 125 (3) comes into force on the later of the day section 33 comes into force and the day subsection 25 (4) of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force.
- (22) Subsection 144 (1) comes into force on the later of the day section 33 comes into force and the day subsection 20 (2) of Schedule 2 (*Protection for Owners and Purchasers of New Homes Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force.
- (23) Subsection 144 (2) comes into force on the later of the day section 33 comes into force and the day subsection 27 (11) of Schedule 2 (*Protection for Owners and Purchasers of New Homes Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force.
- (24) Subsection 144 (3) comes into force on the later of the day section 33 comes into force and the day subsection 28 (4) of Schedule 2 (*Protection for Owners and Purchasers of New Homes Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force.

(25) Section 161 comes into force on the later of the day section 33 comes into force and the day subsection 13 (2) of Schedule 5 (*Special Investigations Unit Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

Short title

173 The short title of the Act set out in this Schedule is the *Crown Liability and Proceedings Act, 2019*.

SCHEDULE 18
DISCRIMINATORY BUSINESS PRACTICES ACT

1 Subsection 7 (3) of the *Discriminatory Business Practices Act* is amended by striking out “Treasurer of Ontario” and substituting “Minister of Finance”.

2 Section 12 of the Act is repealed and the following substituted:

Service

12 (1) Any notice or document required by this Act to be given or served is sufficiently given or served if it is,

- (a) delivered personally;
- (b) sent by registered mail addressed to the person to whom delivery or service is required to be made at the person’s last known address; or
- (c) sent by another manner if the sender can prove receipt of the notice or document.

Deemed service, registered mail

(2) If service of a notice or document is made by registered mail, the service is deemed to have been made on the fifth day after the day of mailing unless the person on whom the service is being made establishes that the person, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, did not receive the notice or document or did not receive it until a later date.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 19
DRAINAGE ACT**

1 Subsection 98 (9) of the *Drainage Act* is repealed and the following substituted:

Copy of decision

(9) The Tribunal shall send a copy of its final decision in any proceedings, including any order, to the parties who took part in the hearing and, if requested to do so by the Minister, to the Minister.

Same

(9.1) A copy of the Tribunal's final decision that is sent under subsection (9) may be sent to the parties who took part in the hearing,

- (a) by registered mail or courier at their addresses last known to the Tribunal; or
- (b) by electronic means, if all the parties consent to receive the decision by electronic means.

Commencement

2 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 20
EDUCATION ACT**

1 Subsection 188 (5) of the *Education Act* is repealed and the following substituted:

Regulations: interests of members of bands

(5) The Lieutenant Governor in Council may make regulations providing for representation on boards, by appointment, of the interests of members of bands in respect of which,

- (a) there are pupils admitted to the board under subsection (1); or
- (b) there is an agreement under this section to provide instruction to pupils, including an agreement entered into before the coming into force of section 3 of Schedule 9 to the *Plan for Care and Opportunity Act (Budget Measures), 2018*.

2 Section 231 of the Act is repealed and the following substituted:

No in-year deficit

231 (1) A board shall not have an in-year deficit for a fiscal year unless,

- (a) a regulation made under subsection (2) authorizes the board to have an in-year deficit; or
- (b) the Minister approves the deficit in accordance with any regulations made under subsection (3).

Regulations, subs. (1) (a)

(2) The Lieutenant Governor in Council may make regulations for the purposes of clause (1) (a) authorizing a board to have an in-year deficit and prescribing,

- (a) the circumstances in which a board may have an in-year deficit;
- (b) the maximum amount of in-year deficit a board may have; and
- (c) the method of determining the maximum amount of in-year deficit a board may have.

Regulations, subs. (1) (b)

(3) The Lieutenant Governor in Council may make regulations for the purposes of clause (1) (b) requiring the Minister to consider factors when approving an in-year deficit and prescribing those factors.

Exception

(4) Despite subsection (1), a board may have an in-year deficit if the deficit is permitted as part of a financial recovery plan under Division C.1 or if the board is subject to an order under subsection 230.3 (2) or 257.31 (2) or (3), and, if applicable, the amount of such an in-year deficit may be greater than the amount determined pursuant to a regulation made under subsection (2) of this section or the amount approved by the Minister, as the case may be.

3 Clauses 232 (4) (a) and (b) of the Act are repealed and the following substituted:

- (a) a regulation is made under subsection 231 (2) and the estimated in-year deficit would be equal to or less than the maximum amount determined in accordance with that regulation;
- (b) the Minister has approved a deficit under clause 231 (1) (b) and the estimated in-year deficit would be equal to or less than the amount approved by the Minister;

4 (1) Clause 257.29.1 (1) (a) of the Act is amended by adding “or a regulation made under section 231” after “contrary to section 231”.

(2) Clause 257.29.1 (1) (b) of the Act is amended by adding “or a regulation made under section 231” after “contrary to section 231”.

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Section 1 comes into force on the later of the day subsection 3 (1) of Schedule 9 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force and the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 21
ESTATE ADMINISTRATION TAX ACT, 1998

1 (1) Subsection 2 (2) of the *Estate Administration Tax Act, 1998* is repealed and the following substituted:

Exemption

- (2) An estate is exempt from tax under this Act if,
- (a) the value of the estate does not exceed \$1,000 and the application for an estate certificate in respect of the estate is made before January 1, 2020; or
 - (b) the value of the estate does not exceed \$50,000 and the application for an estate certificate in respect of the estate is made on or after January 1, 2020.

(2) Subsection 2 (6) of the Act is amended by adding “and before January 1, 2020” after “June 7, 1992” in the portion before clause (a).

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

Amount, certificate sought on or after January 1, 2020

(6.1) The amount of tax payable upon the issuance of an estate certificate for which application is made on or after January 1, 2020 is \$15 for each \$1,000 or part thereof by which the value of the estate exceeds \$50,000.

2 The Act is amended by adding the following section:

Refunds

- 4.5.1** (1) The Minister of Revenue shall refund any overpayment of tax paid by an estate under this Act if,
- (a) the estate representative has given the information required by section 4.1 to the Minister within four years after the issuance of the estate certificate;
 - (b) the Minister has confirmed that there has been an overpayment of tax paid under this Act; and
 - (c) the Minister has received a written request for the refund during any of the time periods that relate to the estate as described in subsection (2).

Time periods

- (2) The following are the time periods that relate to an estate referred to in clause (1) (c):
- 1. The time period that begins on the day that the estate certificate for the estate is issued and ends 12 years after that day.
 - 2. The time period that begins on the date of any notice of assessment of the estate under section 4.2 or reassessment of the estate under section 4.4 and ends two years after that day.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 22
FARM PRODUCTS PAYMENTS ACT**

1 The *Farm Products Payments Act* is amended by adding the following heading immediately before section 1:

GENERAL

2 Subsection 4 (1) of the Act is amended by adding “and” at the end of clause (d) and adding the following clause:

(e) to carry out the functions, and exercise the powers, prescribed by regulation.

3 Subsection 5 (2) of the Act is repealed and the following is substituted:

Expenses paid out of fund

(2) A board shall pay, out of the fund it administers, any expenses that it incurs in relation to this Act, the *Grains Act* and the *Livestock and Livestock Products Act* and that are prescribed by regulation.

Exception

(2.1) Despite subsection (2), a board shall not pay the salary of any of its employees who are employed under Part III of the *Public Service of Ontario Act, 2006*.

4 Subsection 7 (2) of the Act is repealed.

5 (1) Subsection 8 (1) of the Act is amended by striking out “The Lieutenant Governor in Council” at the beginning and substituting “The Minister”.

(2) Subsection 8 (1) of the Act is amended by adding the following clauses:

- (p.1) requiring dealers or producers to pay fees to a board, prescribing the amounts and the times and manner of payment of the fees, and providing for the collection of the fees;
- (p.2) prescribing functions and powers of a board for the purposes of clause 4 (1) (e);
- (p.3) prescribing the expenses that a board is required to pay out of a fund under subsection 5 (2);

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

Application

(2) A regulation may be general or specific in its application.

6 The Act is amended by adding the following sections:

DELEGATION OF ADMINISTRATIVE AUTHORITY

Delegation

9 (1) The Minister may, by regulation,

- (a) designate a corporation as a Farm Products Payments Administrator for the purposes of this Act; and
- (b) delegate responsibility for the administration of specified provisions of this Act or of a regulation made under section 8, or both, to the Farm Products Payments Administrator.

Farm Products Payments Administrator

(2) A corporation may be designated as a Farm Products Payments Administrator only if it meets the following conditions:

- 1. It is a not-for-profit corporation without share capital.
- 2. It is incorporated under the laws of Ontario or Canada.
- 3. It carries on business in Ontario.
- 4. Any prescribed conditions.

Previous administration

(3) Nothing in a delegation of legislation under subsection (1) invalidates anything that was done by the Minister, the Ministry or AgriCorp to administer this Act or the regulations before the delegation.

Person bound

(4) Delegated legislation binds all persons whom it would bind if it had not been delegated.

Regulation

(5) A regulation under this section may,

- (a) prescribe any conditions or limitations that apply to the designation of a Farm Products Payments Administrator and to the delegation of responsibility for the administration of specified provisions of this Act and the regulations;
- (b) limit the provisions of this Act and of the regulations made under section 8 that may be the subject of a delegation;
- (c) prescribe conditions for the purposes of paragraph 4 of subsection (2).

Exceptions, regulations

(6) A regulation delegating responsibility for the administration of specified provisions of this Act under subsection (1) shall not delegate the power to make regulations under this Act.

Administrative agreement required

10 (1) A regulation shall not be made under subsection 9 (1) designating a Farm Products Payments Administrator unless the Minister has entered into an administrative agreement with the prospective designate with respect to the delegated legislation.

Content of agreement

(2) The administrative agreement shall include all matters that the Minister considers necessary to the efficient and effective delegation of the administration of the delegated legislation to the Farm Products Payments Administrator, including,

- (a) the financial terms of the designation;
- (b) any requirements relating to the governance of the Farm Products Payments Administrator;
- (c) the right, if any, of the Farm Products Payments Administrator to purchase, use or otherwise have access to government assets, including information, records or intellectual property;
- (d) a description of any liability the Farm Products Payments Administrator may incur as a result of exercising its responsibilities administering the delegated legislation; and
- (e) a requirement that the Farm Products Payments Administrator maintain adequate insurance against liability arising out of carrying out the administration of the delegated legislation.

Minister's terms

(3) On giving the notice to the Farm Products Payments Administrator that the Minister considers reasonable in the circumstances, the Minister may amend or insert a term in the administrative agreement or delete a term from it if,

- (a) the term relates to the administration or enforcement of the delegated legislation; and
- (b) the Minister considers it advisable to do so.

Review

11 (1) The Minister may require that reviews of a Farm Products Payments Administrator, of its operations, or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out,

- (a) by or on behalf of the Farm Products Payments Administrator; or
- (b) by a person or entity specified by the Minister.

Access to records

(2) If a review is carried out by a person or entity specified by the Minister, the Farm Products Payments Administrator shall give the person or entity specified by the Minister and the employees of the person or entity access to all records and other information required to conduct the review.

Revocation of designation

12 (1) Subject to subsection (2), the Minister may, by regulation, revoke the designation of a corporation as a Farm Products Payments Administrator if,

- (a) the Farm Products Payments Administrator has failed to comply with this Act, the delegated legislation or the administrative agreement and has not remedied the failure within the time period described in subsection (3); or
- (b) the Minister considers it advisable to do so.

Notice

(2) The Minister shall give a Farm Products Payments Administrator such notice as he or she considers reasonable of his or her intention to revoke the Farm Products Payments Administrator's designation.

Opportunity to remedy

(3) If a Farm Products Payments Administrator fails to comply with this Act, the delegated legislation or the administrative agreement, the Minister shall allow the Farm Products Payments Administrator the opportunity of remedying its failure within the time period that the Minister considers reasonable in the circumstances.

Voluntary revocation

(4) A Farm Products Payments Administrator may request that the Minister revoke its designation and in that case the Minister shall, by regulation, revoke the designation on the terms that the Minister considers advisable.

Non-application of Act

(5) The *Statutory Powers Procedure Act* does not apply to the exercise by the Minister of a right under this section to revoke the designation of a corporation as a Farm Products Payments Administrator or to revoke the delegation of specified legislative provisions.

Duties of Farm Products Payments Administrator

13 (1) A Farm Products Payments Administrator shall carry out the administration of all delegated legislation and shall do so in accordance with the law, this Act and the administrative agreement, having regard to the intent and purpose of this Act.

Services in French

(2) The *French Language Services Act* applies to a Farm Products Payments Administrator as though it were a government agency under that Act.

Services to persons with disabilities

(3) The *Accessibility for Ontarians with Disabilities Act, 2005* applies to a Farm Products Payments Administrator as though it were an organization providing services for the purposes of that Act.

Reports

(4) Within one year of the effective date of its designation as Farm Products Payments Administrator and annually thereafter, a Farm Products Payments Administrator shall report to the Minister on its activities, financial affairs in respect of the administration of this Act and any other matters the Minister may request.

Same

(5) The reports required under subsection (4) shall be in a form acceptable to the Minister.

Employees

14 (1) Subject to the administrative agreement, a Farm Products Payments Administrator may employ or retain the services of any qualified person to carry out any power or duty relating to the administration of the delegated legislation.

No Crown employment

(2) Persons who are employed or whose services are retained under subsection (1) are not employees of the Crown and shall not hold themselves out as such.

No Crown agent

15 (1) A Farm Products Payments Administrator is not a Crown agency for the purposes of the *Crown Agency Act* and shall not hold itself out as such.

Same, officers, etc.

(2) The members, officers, directors, employees and agents of a Farm Products Payments Administrator, together with the persons whose services the Farm Products Payments Administrator retains, are not agents of the Crown and shall not hold themselves out as such.

No personal liability, Crown employee

16 (1) No action or other proceeding shall be instituted against an employee of the Crown for an act done in good faith in the execution or intended execution of a duty or service under delegated legislation, or for an alleged neglect or default in the execution in good faith of the duty or service.

Tort by Crown employee

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, 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

17 No action or other proceeding for damages shall be instituted against the Crown for damages that a person suffers as a result of any act or omission taken or made in the administration of delegated legislation by a person who is not an employee or agent of the Crown.

Indemnification

18 A Farm Products Payments Administrator 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 Farm Products Payments Administrator or its members, officers, directors, employees or agents,

- (a) in carrying out the administration of its delegated legislation; or
- (b) in the execution or intended execution of its powers and duties under this Act, the delegated legislation and the administrative agreement.

No personal liability, board members and others

19 (1) No action or other proceeding shall be instituted against a person mentioned in subsection (2) for an act done in good faith in the execution or intended execution of a power or duty under delegated legislation, or for an alleged neglect or default in the execution in good faith of that power or duty.

Same

- (2) Subsection (1) applies to,
 - (a) members of the board of directors of a Farm Products Payments Administrator; and
 - (b) persons who perform functions under delegated legislation as members, employees, agents or officers of the Farm Products Payments Administrator or as persons whose services it retains.

Liability of Farm Products Payments Administrator

(3) Subsection (1) does not relieve a Farm Products Payments Administrator of liability to which it would otherwise be subject in respect of a tort committed by one of its members, employees, agents or officers.

Audit

20 (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of a Farm Products Payments Administrator, 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 Farm Products Payments Administrator shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit.

Commencement

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

**SCHEDULE 23
FEDERAL CARBON TAX TRANSPARENCY ACT, 2019**

Definitions

1 In this Act,

“gasoline” means any gas or liquid that is subject to tax under subsection 2 (1) of the *Gasoline Tax Act*, but is not subject to tax under subsection 2 (2), (3) or (4) of that Act; (“essence”)

“Minister” means the Minister of Energy, Northern Development and Mines 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”)

Notice on gasoline pumps

2 (1) The person who is licensed under the *Technical Standards and Safety Act, 2000* to operate a retail outlet at which gasoline is sold at a gasoline pump and put into the fuel tanks of motor vehicles shall,

- (a) obtain from the Minister copies of the prescribed notice with respect to the price of gasoline sold in Ontario; and
- (b) ensure the notice referred to in clause (a) is affixed to each gasoline pump at the retail outlet in such manner as may be prescribed.

Exception, reserves

(2) Subsection (1) does not apply with respect to a retail outlet located,

- (a) on a reserve, as defined in the *Indian Act* (Canada); or
- (b) in an Indian Settlement located on Crown land, the Indian inhabitants of which are treated by Indigenous Services Canada in the same manner as Indians residing on a reserve.

Inspections

3 (1) Any person authorized by the Minister for the purpose of this section may at all reasonable times enter into any retail outlet with respect to which subsection 2 (1) applies and inspect or examine the gasoline pumps at the retail outlet for the purpose of determining compliance with this Act.

Obstruction

(2) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with a person doing anything that the person is authorized by subsection (1) to do.

Offences

Contravention of notice requirements

4 (1) Every person who contravenes subsection 2 (1) is guilty of an offence and on conviction is liable,

- (a) in the case of an individual,
 - (i) for a first offence, to a fine of not more than \$500 for every day or part of a day on which the offence occurs or continues, and
 - (ii) for a second or subsequent offence, to a fine of not more than \$1,000 for every day or part of a day on which the offence occurs or continues; and
- (b) in the case of a corporation,
 - (i) for a first offence, to a fine of not more than \$5,000 for every day or part of a day on which the offence occurs or continues, and
 - (ii) for a second or subsequent offence, to a fine of not more than \$10,000 for every day or part of a day on which the offence occurs or continues.

Obstruct inspection

(2) Every person who contravenes subsection 3 (2) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$10,000.

Duty of directors and officers

(3) A director or officer of a corporation that is licensed under the *Technical Standards and Safety Act, 2000* to operate a retail outlet referred to in subsection 2 (1) shall take all reasonable care to ensure that subsection 2 (1) is complied with.

Contravention of duty of directors and officers

(4) A person who has the duty imposed by subsection (3) and fails to carry it out is guilty of an offence and on conviction is liable to the penalty provided for in subsection (1).

Same

(5) A person may be prosecuted and convicted under subsection (4) even if the corporation has not been prosecuted or convicted.

Regulations

5 (1) The Lieutenant Governor in Council may make regulations for the purpose of carrying out the provisions of this Act, including,

- (a) prescribing anything that may be prescribed under this Act;
- (b) providing for time limits within which the requirements under clauses 2 (1) (a) and (b) must be complied with.

Contents of the prescribed notice

(2) The notice prescribed under subsection (1) for the purpose of clause 2 (1) (a),

- (a) shall set out information with respect to the effect of the charge referred to in subsection 17 (1) of the *Greenhouse Gas Pollution Pricing Act* (Canada) on the price of gasoline sold in Ontario, which may include information as estimated or otherwise determined by the Minister; and
- (b) may set out other information with respect to the price of gasoline sold in Ontario, which may include information as estimated or otherwise determined by the Minister.

Commencement

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

Short title

7 The short title of the Act set out in this Schedule is the *Federal Carbon Tax Transparency Act, 2019*.

**SCHEDULE 24
FINANCIAL ADMINISTRATION ACT**

1 The *Financial Administration Act* is amended by adding the following Part:

**PART VI
DISBURSEMENTS FOR EVENTS AT WHICH POLITICIANS SPEAK**

Prohibition

47 (1) A ministry or public entity shall not pay an admission or sponsorship fee for an event out of public money or other revenues if one of the following individuals is expected to speak at the event:

1. A minister of the Crown in right of Canada, a minister of the Crown in right of a province or a territorial minister.
2. A member of the Senate of Canada, the House of Commons of Canada or the legislative assembly of a province or territory.
3. The leader of a political party in Canada, whether federal, provincial or territorial.
4. A member of the council of a municipality in Canada.

Exception, other speakers

(2) The prohibition in subsection (1) does not apply to an event at which an individual who is not described in subsection (1) is also expected to speak.

Commencement

2 This Schedule comes into force on the later of July 1, 2019 and the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 25
FINANCIAL PROFESSIONALS TITLE PROTECTION ACT, 2019**

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DEFINITIONS

Definitions

1 In this Act,

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

“prescribed” means,

- (a) prescribed by the regulations, or
- (b) subject to subsection 15 (5), in respect of matters listed in subsection 15 (1), prescribed by the Authority rules; (“prescrit”)

“regulation” means a regulation made under this Act; (“règlement”)

“requirement established under this Act” means a requirement imposed by this Act or by a regulation or an Authority rule, a term or condition of an approval, or a requirement imposed by order; (“exigence établie en application de la présente loi”)

“Tribunal” means the Financial Services Tribunal continued under the *Financial Services Tribunal Act, 2017*. (“Tribunal”)

PROHIBITIONS RESPECTING TITLES

Protected title — “Financial Planner”

2 No individual shall use in Ontario the title “Financial Planner” or “planificateur financier”, an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title unless,

- (a) the individual has obtained, from a credentialing body approved under section 4, a financial planning credential approved under subsection 7 (1); and

- (b) the individual's financial planning credential is in good standing, within the meaning set out in the Authority rules, with an approved credentialing body.

Protected title — “Financial Advisor”

3 No individual shall use in Ontario the title “Financial Advisor” or “conseiller financier”, an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title unless,

- (a) the individual has obtained, from a credentialing body approved under section 4, a financial advising credential approved under subsection 7 (2); and
- (b) the individual's financial advising credential is in good standing, within the meaning set out in the Authority rules, with an approved credentialing body.

APPROVALS

Approval of credentialing body

4 (1) On application by a person or entity, the Chief Executive Officer may approve the person or entity as a credentialing body for the purposes of this Act.

Criteria, fee

(2) The Chief Executive Officer shall not approve a person or entity as a credentialing body unless the person or entity making the application,

- (a) satisfies the criteria set out in the Authority rules for credentialing bodies; and
- (b) pays the fee required under the Authority rules.

Terms and conditions

(3) The Chief Executive Officer may, at any time, impose terms and conditions on an approval.

Revocation

(4) The Chief Executive Officer may revoke a credentialing body's approval if it is not in compliance with the terms and conditions of its approval or with the Authority rules governing credentialing bodies.

Duties of approved credentialing bodies

5 (1) An approved credentialing body shall oversee the individuals holding approved credentials it has issued and shall do so in accordance with,

- (a) the terms and conditions of its approval; and
- (b) the Authority rules governing approved credentialing bodies.

Fees payable to the Authority

(2) An approved credentialing body shall,

- (a) collect from individuals holding approved credentials it has issued any fees the Authority rules require those individuals to pay to the Authority; and
- (b) remit the fees it collects to the Authority in accordance with the rules.

List of approved credentialing bodies

6 The Chief Executive Officer shall ensure that a current list of approved credentialing bodies is made public on the Authority's website and in any other manner the Chief Executive Officer considers appropriate.

Approval of credential

Financial planning

7 (1) On application by an approved credentialing body, the Chief Executive Officer may approve, for the purposes of section 2, one or more financial planning credentials offered by the credentialing body.

Financial advising

(2) On application by an approved credentialing body, the Chief Executive Officer may approve, for the purposes of section 3, one or more financial advising credentials offered by the credentialing body.

Criteria, fee

(3) The Chief Executive Officer shall not approve a credential unless the approved credentialing body making the application,

- (a) satisfies the criteria set out in the Authority rules for credentials; and

(b) pays the fee required under the Authority rules.

Revocation

(4) The Chief Executive Officer may revoke the approval of a credential if the approved credentialing body offering the credential is not in compliance with the terms and conditions of its approval relating to the credential or with the Authority rules governing approved credentials.

List of approved credentials

8 The Chief Executive Officer shall ensure that a current list of approved credentials is made public on the Authority's website and in any other manner the Chief Executive Officer considers appropriate.

Misrepresentation as approved credentialing body

9 No person or entity shall represent that it is approved as a credentialing body under this Act unless it has a valid approval as a credentialing body.

Misrepresentation respecting approved credential

10 No person or entity shall represent that a credential it offers is approved under this Act unless it has a valid approval for the credential.

COMPLIANCE ORDERS

Inquiries and examinations

Use of title

11 (1) The Chief Executive Officer or a person designated by the Chief Executive Officer may make inquiries and conduct examinations of the business and activities of an individual who is or who appears to be using a title mentioned in section 2 or 3 to ensure that the individual is complying with the requirements established under this Act.

Representation as approved credentialing body

(2) The Chief Executive Officer or designate may make inquiries and conduct examinations of the business and activities of a person or entity that is or that appears to be representing that it is approved as a credentialing body without a valid approval.

Representation as issuer of approved credential

(3) The Chief Executive Officer or designate may make inquiries and conduct examinations of the businesses and activities of a person or entity that is or that appears to be representing that it can offer an approved credential without a valid approval for the credential.

Powers

(4) The Chief Executive Officer or designate may do any of the following things in the course of making an inquiry or conducting an examination:

1. Enter and inspect at any reasonable time any premises used in connection with the business or activities of the individual, person or entity.
2. Examine all documents and records of the individual, person or entity that may be relevant to the inquiry or examination.
3. Require a person who appears to be employed or otherwise working at the premises to answer questions about anything that may be relevant to the inquiry or examination.
4. In order to produce information, use any data storage, processing or retrieval device or system that is used in connection with the business or activities of the individual, person or entity.
5. Require a person who appears to be employed or otherwise working at the premises to produce a document or record or provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce information.
6. Remove for examination and copying anything that may be relevant to the inquiry or examination, including removing any data storage, processing or retrieval device in order to produce information.

Entry into dwelling

(5) The Chief Executive Officer or designate shall not enter the part of a premises, if any, that is used as a dwelling unless the occupant consents to the entry.

Use of force

(6) The Chief Executive Officer or designate shall not use force to enter or inspect premises.

Duty to assist

(7) If, under this section, the Chief Executive Officer or designate requires a person to answer questions, to produce a document or record or to provide assistance, the person shall do so in the manner and within the period specified by the Chief Executive Officer or designate.

Receipt for things removed

(8) The Chief Executive Officer or designate shall give a receipt for anything that he or she removes for examination and copying and shall promptly return the thing to the person who produced it.

Identification

(9) On request, the Chief Executive Officer shall produce evidence of his or her office and the designate shall produce evidence of his or her designation.

Compliance order

12 (1) This section applies if, in the Chief Executive Officer's opinion,

- (a) a person or entity is committing any act or pursuing any course of conduct that contravenes or does not comply with a requirement established under this Act;
- (b) a person or entity is committing any act or pursuing any course of conduct that might reasonably be expected to result in a state of affairs that would contravene or not comply with a requirement established under this Act; or
- (c) a person or entity has committed any act or pursued any course of conduct that contravenes or does not comply with a requirement established under this Act.

Proposal re order

(2) The Chief Executive Officer may propose to order the person or entity to cease committing an act or cease pursuing a course of conduct identified by the Chief Executive Officer or to perform such acts as, in the Chief Executive Officer's opinion, are necessary to remedy the situation.

Notice of proposal

(3) The Chief Executive Officer shall give written notice of the proposal to the person or entity, including the reasons for the proposal; the Chief Executive Officer shall also inform the person or entity that he, she or it can request a hearing by the Tribunal about the proposal and shall advise the person or entity about the process for requesting the hearing.

Hearing requested

(4) If the person or entity requests a hearing in writing within 15 days after the notice under subsection (3) is received, the Tribunal shall hold a hearing.

Order

(5) The Tribunal may, by order, direct the Chief Executive Officer to carry out the proposal, with or without changes, or substitute its opinion for that of the Chief Executive Officer, and the Tribunal may impose such conditions as it considers appropriate in the circumstances.

Hearing not requested

(6) If the person or entity does not request a hearing or does not make the request in accordance with subsection (4), the Chief Executive Officer may carry out the proposal.

Interim order

(7) If, in the opinion of the Chief Executive Officer, the interests of the public may be adversely affected by any delay in making an order (a "permanent order") as a result of the steps required by subsections (3), (4) and (5), the Chief Executive Officer may, without notice, make an interim order as described in subsection (2) and may do so before or after giving notice of his or her proposal to make the permanent order.

Same

(8) An interim order takes effect immediately and remains in effect until the expiry of the period for requesting a hearing about the Chief Executive Officer's proposal to make the permanent order.

Same

(9) Despite subsection (8), if before the end of such period as may be prescribed the Chief Executive Officer does not give the person or entity notice of the proposal to make the permanent order, the interim order expires at the end of the prescribed period.

Extension of interim order

(10) If the person or entity requests a hearing about the proposal to make the permanent order, the Chief Executive Officer may extend the interim order until the proposal is finally determined.

Amendment, etc., of interim order

(11) The Chief Executive Officer may amend, revoke or replace an interim order, and the amended or replacement order has effect as described in subsections (8), (9) and (10).

Amendment of permanent order

(12) The Chief Executive Officer may by order amend a permanent order and, if the Chief Executive Officer proposes to amend it without the consent of the person or entity, subsections (2) to (6) apply with respect to the proposal.

Revocation of permanent order

(13) The Chief Executive Officer may revoke a permanent order.

Publication of information re compliance orders

13 The Chief Executive Officer shall ensure that the name of each person and entity in respect of which a compliance order has been made and the details of the compliance order are made public on the Authority's website and in any other manner the Chief Executive Officer considers appropriate.

GENERAL

Fees

14 The Minister may establish fees in relation to any matter under this Act, including any services provided by or through the Authority.

Authority rules, LGIC regulations**Authority rules**

15 (1) The Authority may make rules in respect of the following matters:

1. Respecting the meaning of "good standing" for the purpose of sections 2 and 3.
2. Establishing criteria for credentialing bodies to be approved under section 4, including, without limitation, criteria relating to,
 - i. the applicant's governance structure and practices, and
 - ii. disciplinary processes the applicant must have in place for individuals holding approved credentials it has issued.
3. Establishing criteria for credentials to be approved under section 7, including, without limitation, criteria relating to,
 - i. educational requirements,
 - ii. examination requirements,
 - iii. codes of ethics and professional standards, and
 - iv. continuing education requirements.
4. Governing applications for approval, including application fees.
5. Governing approved credentialing bodies.
6. Respecting approved credentialing bodies' collection, holding and remittance of fees that are payable by individuals holding approved credentials.
7. Respecting approved credentials.

Regulations, LGIC

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

- (a) prescribing anything that is required or permitted to be prescribed or that is required or permitted to be done in accordance with the regulations or as provided in the regulations;
- (b) respecting any matter in respect of which the Authority may make rules, with necessary modifications;
- (c) respecting transitional matters arising from the enactment of Schedule 25 to the *Protecting What Matters Most Act (Budget Measures), 2019*, including the treatment of credentials and other qualifications possessed by individuals before sections 2, 3, 9 and 10 come into force;

- (d) governing the use of protected titles in circumstances where a credentialing body's approval is revoked or where an approved credentialing body ceases to operate;
- (e) exempting individuals or classes of individuals from section 2 or 3 in the circumstances set out in the regulation, subject to such conditions, limitations and restrictions as may be prescribed in the regulation.

Legislation Act, 2006

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Authority rules.

Same

(4) A regulation made under subsection (2) is subject to Part III (Regulations) of the *Legislation Act, 2006*.

Regulation prevails

(5) If there is a conflict or an inconsistency between a regulation made by the Lieutenant Governor in Council under this Act and an Authority rule, the regulation prevails, but in all other respects an Authority rule has the same force and effect as a regulation.

AMENDMENTS TO THIS ACT AND OTHER ACTS

Amendment to this Act

16 Section 14 of this Act is repealed and the following substituted:

Fees

14 The Minister may make regulations governing fees under this Act, including,

- (a) requiring the payment of fees in relation to any matter under this Act, including any services provided by or through the Authority;
- (b) prescribing the amount of fees or the manner of determining fees;
- (c) prescribing the manner in which and the period within which fees must be paid.

Commodity Futures Act

17 Paragraph 2 of subsection 65 (1) of the *Commodity Futures Act* is amended by striking out “and” at the end of subparagraph ii and by adding the following subparagraph:

- ii.i requirements that individuals registered under this Act use specified titles, and

Financial Services Regulatory Authority of Ontario Act, 2016

18 (1) The definition of “regulated sector” in section 1 of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by adding the following clause:

- (a.1) the *Financial Professionals Title Protection Act, 2019*;

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

Objects of the Authority, *Financial Professionals Title Protection Act, 2019*

3.1 Despite section 3, the objects of the Authority with respect to the *Financial Professionals Title Protection Act, 2019* are to administer and enforce that Act.

Insurance Act

19 (1) Subsection 121.0.1 (3) of the *Insurance Act* is amended by striking out “Ontario” at the end and substituting “Ontario, including rules requiring that a person licensed to act as an insurance agent use specified titles”.

Securities Act

20 Paragraph 2 of subsection 143 (1) of the *Securities Act* is amended by adding the following subparagraph:

- ii.i requirements that individuals registered under this Act use specified titles,

COMMENCEMENT AND SHORT TITLE

Commencement

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

Short title

22 The short title of the Act set out in this Schedule is the *Financial Professionals Title Protection Act, 2019*.

SCHEDULE 26
FINANCIAL SERVICES COMMISSION OF ONTARIO ACT, 1997

1 (1) The French version of subsection 5 (3) of the *Financial Services Commission of Ontario Act, 1997* is amended by striking out “par écrit et” in the portion before clause (a).

(2) Section 5 of the Act is amended by adding the following subsections:

Delegation to Ministry employee

(3.0.1) The Minister may, subject to the conditions that the Minister considers appropriate, delegate in writing to any person employed in the Ministry the exercise of any power or the performance of any duty conferred on or assigned to the Superintendent or the Commission under this Act or any other Act.

Same

(3.0.2) If a delegation of a power or duty is given under subsection (3.0.1), any delegation of the same power or duty under subsection (3) ceases to have effect.

(3) Subsection 5 (3.1) of the Act is amended by,

- (a) striking out “subsection (3)” and substituting “this section”; and
- (b) adding “or by the Commission, as the case may be” at the end.

2 (1) Subject to subsection (2), the Act is repealed on a day to be named by proclamation of the Lieutenant Governor.

(2) A proclamation under subsection (1) may provide for the repeal of different provisions of the Act on different dates.

Building Ontario Up Act (Budget Measures), 2015

3 Section 1 of Schedule 12 to the *Building Ontario Up Act (Budget Measures), 2015* is repealed.

Commencement

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

(2) Subsection 1 (1) and sections 2 and 3 come into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 27
FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

1 The *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by adding the following section:

Collection and enforcement of payments to the PBGF

6.1 The Authority may collect and enforce the amounts to be paid under subsection 82 (3.1) of the *Pension Benefits Act* by employers to the Pension Benefits Guarantee Fund.

2 The Act is amended by adding the following section:

Funds not part of Authority's revenues, assets and investments

Pension Benefits Guarantee Fund

12.1 (1) For greater clarity, any money received by the Pension Benefits Guarantee Fund, the assets of the Pension Benefits Guarantee Fund and any accruals from the investment of the assets of the Pension Benefits Guarantee fund are not part of the revenues, assets and investments of the Authority.

Deposit Insurance Reserve Fund

(2) For greater clarity, any money received by the Deposit Insurance Reserve Fund, the assets of the Deposit Insurance Reserve Fund and any accruals from the investment of the assets of the Deposit Insurance Reserve Fund are not part of the revenues, assets and investments of the Authority.

3 Subsection 15 (2) of the Act, as re-enacted by section 9 of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is repealed.

4 The Act is amended by adding the following section:

Annual business plan

17.1 (1) The Authority shall prepare an annual business plan, provide it to the Minister and make it available to the public.

Same

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

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

Same

(3) The Authority shall include such additional content in the business plan as the Minister may require.

5 Paragraph 6 of subsection 22 (2) of the Act is repealed and the following substituted:

6. A qualitative and quantitative analysis of the anticipated costs and benefits of the proposed rule.

6 (1) Clause 30 (1) (b) of the Act is amended by striking out "without compensation" at the end and substituting "without compensation or with such compensation provided for in the order".

(2) Clause 30 (1) (c) of the Act is amended by striking out "without compensation" and substituting "without compensation or with such compensation provided for in the order".

(3) Clause 30 (1) (d) of the Act is amended by striking out "by FSCO or to which FSCO is a party" and substituting "by FSCO or the Superintendent of Financial Services or to which FSCO or the Superintendent of Financial Services is a party".

(4) Section 30 of the Act is amended by adding the following subsection:

Transfer of assets

(3.1) The Minister may pay out of the Consolidated Revenue Fund any amounts that are to be transferred to the Authority as specified in an order made under subsection 29 (1).

Commencement

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

SCHEDULE 28
FINANCIAL SERVICES TRIBUNAL ACT, 2017

1 (1) Section 1 of the *Financial Services Tribunal Act, 2017* is amended by adding the following definition:

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

(2) The definition of “Superintendent” in section 1 of the Act is repealed.

2 Section 14 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

Commencement

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

**SCHEDULE 29
FIRE PROTECTION AND PREVENTION ACT, 1997**

1 Part VII of the *Fire Protection and Prevention Act, 1997* is amended by adding the following section:

Subsequent offence

27.1 For the purposes of section 28 or 29, an offence for a contravention of this Act or the regulations is a subsequent offence if there has been a previous conviction for a contravention of this Act or the regulations, as the case may be, regardless of whether the offence that resulted in the previous conviction is based on a contravention of the same provision as the one on whose contravention the subsequent offence is based.

2 (1) Subsections 28 (3) and (4) of the Act are repealed and the following substituted:

Penalty, individual

(3) An individual convicted of an offence under subsection (1) is liable to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence, or to imprisonment for a term of not more than one year, or to both.

Same, corporation

(4) A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$500,000 for a first offence and not more than \$1,500,000 for a subsequent offence.

(2) The following provisions of section 28 of the Act are amended by adding “for a first offence and not more than \$100,000 for a subsequent offence” after “\$50,000” wherever that expression appears:

1. Subsection (5).
2. Subsection (6).

3 Section 29 of the Act is amended by striking out “\$2,000” and substituting “\$50,000 for a first offence and not more than \$100,000 for a subsequent offence”.

4 The Act is amended by adding the following section:

Limitation period

30.1 No prosecution of an offence under this Act shall be commenced more than one year after the facts on which the prosecution is based first came to the knowledge of,

- (a) a firefighter who is employed in, or appointed to, the fire department of a municipality where the offence occurred or is alleged to have occurred; or
- (b) an assistant to the Fire Marshal who is responsible for the area where the offence occurred or is alleged to have occurred.

5 Subsection 35 (1) of the Act is repealed and the following substituted:

Fire Marshal’s order to pay costs

- (1) The Fire Marshal, a fire chief or an assistant to the Fire Marshal may issue,
 - (a) an order, to any person required by an order made under subsection 21 (1) or (2) or section 25 or 26 to do any thing, to pay the costs incurred by the Province of Ontario or a municipality in doing the thing in accordance with an authorization given under section 33;
 - (b) an order, to the owner or the person having control of land or premises, to pay the costs incurred by the Province of Ontario or a municipality in entering the land or premises and doing any thing under section 15; or
 - (c) an order, to the owner or occupant of land or premises, to pay the costs incurred by the Province of Ontario or a municipality in doing any thing to cause the land or premises to be closed immediately under clause 21 (2) (b).

Commencement

6 This Schedule comes into force 30 days after the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 30
FISCAL SUSTAINABILITY, TRANSPARENCY AND ACCOUNTABILITY ACT, 2019

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INTERPRETATION

Definitions

1 In this Act,

“balanced budget” means, for a fiscal year, a budget in which the sum of expenses and a reserve does not exceed revenues; (“budget équilibré”)

“fiscal year” has the same meaning as in the *Financial Administration Act*; (“exercice”)

“Minister” means the Minister of Finance; (“ministre”)

“provincial net debt” means net debt calculated on the same basis as the net debt presented in the consolidated financial statements of the Province as set out in the most recent Public Accounts. (“dette nette provinciale”)

GOVERNING PRINCIPLES

Principles governing fiscal policy

2 The following principles govern Ontario’s fiscal policy:

1. Sustainability: Ontario’s fiscal policy should consider the government’s financial position, including the burden of the provincial net debt, over the long term.
2. Transparency: it should be clearly articulated and information about it should be readily available to the public without charge.
3. Responsibility: it should be based on cautious assumptions.
4. Flexibility: it should recognize the need to respond to changing circumstances.
5. Equity: its impact on different groups within the population and on future generations should be considered.

BUDGET RULES AND REQUIREMENTS

Balanced budget

3 (1) For each fiscal year, the Executive Council shall plan for a balanced budget.

Exception, extraordinary circumstances

(2) Despite subsection (1), if, as a result of extraordinary circumstances, the Executive Council determines that it is consistent with the principles governing Ontario's fiscal policy for the Province to have a deficit for one or more fiscal years, the Executive Council may plan accordingly, in which case the following requirements must be met:

1. The introductory summary of the budget must include the rationale for the Executive Council's determination.
2. If the multi-year fiscal plan included in the budget does not project a balanced budget for the last fiscal year in the plan period, the budget must include a recovery plan that meets the requirements of section 8.

Annual budget

4 (1) On or before March 31 of each fiscal year, the Minister shall lay before the Legislative Assembly and release a budget in respect of the following fiscal year commencing on April 1.

Exception, recent general election

(2) Subsection (1) does not apply if a general election, as defined in section 1 of the *Election Act*, has occurred in the fiscal year.

INFORMATION FOR THE PUBLIC

Contents of the budget

5 The budget required by section 4 must include the following information:

1. An introductory summary of the key fiscal, economic and debt information contained in the budget.
2. The macroeconomic forecasts and assumptions used to prepare the budget.
3. A multi-year fiscal plan that meets the requirements of section 6.
4. Ontario's fiscal policy objectives for the period of the multi-year fiscal plan.
5. A debt burden reduction strategy that meets the requirements of section 7.
6. If it is required under subsection 3 (2), a recovery plan that meets the requirements of section 8.

Multi-year fiscal plan

6 (1) A multi-year fiscal plan must meet the requirements set out in this section.

Period of the fiscal plan

(2) The fiscal plan must address the fiscal year of the budget and the following two fiscal years, and it may address a longer period.

Contents of the fiscal plan

(3) The fiscal plan must include the following information:

1. An estimate of Ontario's revenues and expenses for the period of the plan, including estimates of the major components of the revenues and expenses.
2. The forecasts and assumptions used to prepare the revenue and expense estimates for the period of the plan.
3. A reserve to provide for unexpected adverse changes in revenues and expenses, in whole or in part, and the details of the reserve.
4. A comprehensive discussion of the risks that, in the Minister's opinion, may have a material impact on the economy or the public sector during the period of the plan.
5. A description of the intended effects of the plan on the Province.
6. Information about the projected ratio of provincial net debt to Ontario's gross domestic product for the period of the plan.

Debt burden reduction strategy

7 (1) A debt burden reduction strategy must meet the requirements set out in this section.

Contents of the strategy

(2) The debt burden reduction strategy must include the following information:

1. Ontario's specific objectives for the projected ratio of provincial net debt to Ontario's gross domestic product.
2. A progress report on supporting actions and the implementation of the debt burden reduction strategy included in the last budget.

Recovery plan

8 (1) A recovery plan must meet the requirements set out in this section.

Period of the recovery plan

(2) The recovery plan must address the period from the first fiscal year after the end of the current multi-year fiscal plan to the projected fiscal year in which the budget will be balanced.

Contents of the recovery plan

(3) The recovery plan must be consistent with the principles governing Ontario's fiscal policy and must include the following information:

1. The projected fiscal year in which the budget will be balanced.
2. An estimate of Ontario's revenues and expenses for the period of the plan, including estimates of the major components of the revenues and expenses.
3. The forecasts and assumptions used to prepare the revenue and expense estimates for the period of the plan.
4. A reserve to provide for unexpected adverse changes in revenues and expenses, in whole or in part, and the details of the reserve.
5. Information about the projected ratio of provincial net debt to Ontario's gross domestic product for the period of the plan.

Mid-year review

9 On or before November 15 of each fiscal year, the Minister shall release a mid-year review that includes the following information:

1. An introductory summary of the key fiscal, economic and debt information contained in the review.
2. Updated information about Ontario's revenues and expenses for the current fiscal year or a longer period, including updated information about the major components of the revenues and expenses.
3. Information about the estimated cost of expenditures that are made through the tax system.
4. For the purpose of pre-budget consultations with the public:
 - i. A description of the key issues that, in the Minister's opinion, should be addressed in the next budget.
 - ii. Details about how to participate in the pre-budget consultations.

Interim updates about revenues and expenses

10 On or before August 15 and on or before February 15 of each fiscal year, the Minister shall release updated information about Ontario's revenues and expenses for the current fiscal year, including updated information about the major components of the revenues and expenses.

Quarterly information about Ontario's economic accounts

11 Within 45 days after Statistics Canada publishes quarterly national income and expenditure accounts, the Minister shall release Ontario's economic accounts for the same quarter.

Long-range assessment of economic and fiscal environment

12 (1) Within two years after the most recent general election, as defined in section 1 of the *Election Act*, the Minister shall release a long-range assessment of Ontario's economic and fiscal environment.

Contents of assessment

(2) The long-range assessment must include the following information:

1. A description of anticipated changes in the economy and in population demographics during the following 20 years.
2. A description of the potential impact of these changes on the public sector and on Ontario's fiscal policy during that period.
3. An analysis of key issues of fiscal policy that, in the Minister's opinion, are likely to affect the long-term sustainability of the economy and of the public sector.

OVERSIGHT BY AUDITOR GENERAL

Pre-election review by Auditor General

13 (1) Before a general election under subsection 9 (2) of the *Election Act*, the Auditor General shall review the multi-year fiscal plan included in the most recent budget to determine whether it is reasonable, and shall release a statement describing the results of the review.

Auditor General Act

(2) Sections 10, 11 and 11.1 of the *Auditor General Act* apply, with necessary modifications, with respect to the Auditor General's review.

Annual report on compliance

14 Each fiscal year, the Auditor General shall release a written report about such matters as the Auditor General considers appropriate relating to the Minister's compliance with the requirements of this Act.

MINISTER AND PREMIER ACCOUNTABILITY MEASURES

Statement re missed deadline

15 If the Minister does not meet a deadline under this Act, the Minister shall release a statement on or before the deadline in which the Minister explains why the deadline was not met and sets a new deadline to be met.

Financial penalty for missed deadline

16 (1) If the Minister does not meet a deadline under this Act, the following rules apply:

1. The Minister shall pay into the Consolidated Revenue Fund a penalty equal to 10 per cent of the annual salary payable to the Minister under subsection 3 (1) of the *Executive Council Act*.
2. The Premier shall pay into the Consolidated Revenue Fund a penalty equal to 10 per cent of the annual salary payable to the Premier under subsections 3 (1) and (2) of the *Executive Council Act*.

Timing of payment

(2) The Minister and the Premier shall make the payments required under subsection (1) within 30 days of the deadline that was not met.

Personal payment

(3) An amount payable under this section shall be paid personally and shall not be paid or reimbursed, directly or indirectly, from the Consolidated Revenue Fund.

GENERAL

Manner of releasing information

17 (1) A requirement in this Act that requires the Minister to release information is satisfied if the information is made available to the public without charge on a website of the Government of Ontario.

Same, format

(2) Information that, under this Act, is required to be released on a specified date may be released together or separately.

Non-application of Act during election period

18 This Act does not apply to the Minister for the period beginning on the day that the writs for a general election, as defined in section 1 of the *Election Act*, are issued and ending on the day that is 30 days after the appointment of the first Executive Council under section 1 of the *Executive Council Act* following that election.

Immunity

19 Apart from a claim by the Crown against the Minister or the Premier in respect of an amount payable under section 16, no cause of action arises and no action or other proceeding may be brought in respect of a requirement of this Act.

Fiscal Transparency and Accountability Act, 2004

20 The *Fiscal Transparency and Accountability Act, 2004* is repealed.

Infrastructure for Jobs and Prosperity Act, 2015

21 Paragraph 2 of section 3 of the *Infrastructure for Jobs and Prosperity Act, 2015* is amended by striking out "*Fiscal Transparency and Accountability Act, 2004*" and substituting "*Fiscal Sustainability, Transparency and Accountability Act, 2019*".

COMMENCEMENT AND SHORT TITLE**Commencement**

22 The Act set out in this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

Short title

23 The short title of the Act set out in this Schedule is the *Fiscal Sustainability, Transparency and Accountability Act, 2019*.

**SCHEDULE 31
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

1 (1) Subsection 10 (1) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out “subsection 69 (2)” and substituting “subsections (1.1) and 69 (2)”.

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

Part III.1 records

(1.1) Subsection (1) does not apply to personal information collected under Part III.1 (Data Integration) or to records produced from that information under that Part that are not de-identified.

2 The French version of clause 14 (1) (b) of the Act is amended by striking out “judiciaire” and substituting “en exécution de la loi”.

3 Section 37 of the Act is amended by adding the following subsection:

Same

(2) With the exception of sections 47 to 49, this Part does not apply to personal information that is collected by a member of an inter-ministerial data integration unit or a ministry data integration unit under Part III.1.

4 (1) The French version of clause 42 (1) (d) of the Act is amended by striking out “représentant” and substituting “mandataire”.

(2) Clause 42 (1) (e) of the Act is repealed and the following substituted:

(e) where permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada;

(3) Clause 42 (1) (g) of the Act is repealed and the following substituted:

(g) to an institution or a law enforcement agency in Canada if,

(i) the disclosure is to aid in an investigation undertaken by the institution or the agency with a view to a law enforcement proceeding, or

(ii) there is a reasonable basis to believe that an offence may have been committed and the disclosure is to enable the institution or the agency to determine whether to conduct such an investigation;

5 Section 48 of the Act is amended by adding the following subsection:

Exception, s. 25

(2.1) Despite subsection (2), section 25 does not apply to a request for personal information that was collected under Part III.1.

6 The Act is amended by adding the following Part:

**PART III.1
DATA INTEGRATION**

Definitions

49.1 (1) In this Part,

“data standards” means the data standards approved by the Commissioner under subsection 49.14 (1); (“normes relatives aux données”)

“inter-ministerial data integration unit” means an administrative division of a ministry that is designated as an inter-ministerial data integration unit in the regulations; (“service interministériel d’intégration des données”)

“member” means, in relation to an inter-ministerial data integration unit or a ministry data integration unit, an officer, employee or agent of the ministry in which the unit is located who works in the unit; (“membre”)

“ministry data integration unit” means an administrative division of a ministry that is designated as a ministry data integration unit in the regulations. (“service ministériel d’intégration des données”)

Meaning of de-identification

(2) A reference in this Part to de-identifying a record or personal information means to remove the following information:

1. Information that identifies an individual.
2. Information that could be used, either alone or with other information, to identify an individual based on what is reasonably foreseeable in the circumstances.

Purpose for the collection of personal information

49.2 The purpose of the collection of personal information under this Part is to compile information, including statistical information, to enable analysis in relation to,

- (a) the management or allocation of resources;
- (b) the planning for the delivery of programs and services provided or funded by the Government of Ontario, including services provided or funded in whole or in part or directly or indirectly; and
- (c) the evaluation of those programs and services.

General rules re personal information

49.3 (1) A member of an inter-ministerial data integration unit or a ministry data integration unit shall not collect personal information under this Part or use or disclose that information if other information will serve the purpose of the collection, use or disclosure.

Extent of information

(2) A member of an inter-ministerial data integration unit or a ministry data integration unit shall not collect, use or disclose more personal information under this Part than is reasonably necessary to meet the purpose of the collection, use or disclosure.

Collection of personal information

49.4 (1) Subject to the restrictions in section 49.5, a member of an inter-ministerial data integration unit may indirectly collect personal information if the following conditions are met:

1. The personal information is being collected for the purpose set out in section 49.2.
2. The personal information is to be collected from an institution, including a ministry data integration unit, an institution within the meaning of the *Municipal Freedom of Information and Protection of Privacy Act* or from a person or entity prescribed by the regulations.
3. A notice has been published on a website that relates to the personal information and that meets the requirements of section 49.10.
4. The minister of the ministry in which the inter-ministerial data integration unit is located, or a person designated by the minister, has determined, after considering the privacy interests of individuals and the manner in which their personal information will be protected, that there is a public interest in collecting the personal information.
5. A member of the inter-ministerial data integration unit has made a determination as to whether to link the personal information after it is collected to other personal information collected by the unit under this Part and, if so, the personal information with which it will be linked.

Collection of personal information, ministry data integration unit

(2) Subject to the restrictions in section 49.5, a member of a ministry data integration unit may indirectly collect personal information if the following conditions are met:

1. The personal information is being collected for the purpose set out in section 49.2.
2. The personal information is to be collected from,
 - i. an officer, employee or agent of the ministry in which the unit is located who is not a member of the unit,
 - ii. a person or entity that receives funding from the ministry or that administers a program or service on behalf of or in partnership with the ministry, but only if the personal information relates to the funding or to the program or service provided on behalf of or in partnership with the ministry, as the case may be, or
 - iii. a person or entity prescribed by the regulations, but only if the regulations authorize a member to collect the type of personal information to be collected.
3. A notice has been published on a website that relates to the personal information and that meets the requirements of section 49.10.
4. The minister of the ministry in which the ministry data integration unit is located, or a person designated by the minister, has determined, after considering the privacy interests of individuals and the manner in which their personal information will be protected, that there is a public interest in collecting the personal information.
5. A member of the ministry data integration unit has made a determination as to whether to link the personal information after it is collected to other personal information collected by the unit under this Part and, if so, the personal information with which it will be linked.

Additional requirements

(3) The member shall comply with any additional requirements set out in the data standards when collecting personal information under this section.

Disclosure to unit

(4) An institution or a person or entity referred to in paragraph 2 of subsection (1) or (2), as the case may be, is authorized to disclose the personal information to the member and shall,

- (a) take reasonable steps to ensure that the personal information provided is accurate, complete and up-to-date before disclosing the information to the member; and
- (b) notify the member of any concerns respecting the accuracy or completeness of the information or how up-to-date it is.

Conflict

(5) Personal information may be collected and disclosed as provided for in this section despite a confidentiality provision in any other Act, unless the regulations provide that a confidentiality provision in another Act prevails over this section.

Collection of excluded information

(6) Despite subsections 65 (1), (5.2), (6) and (8), the regulations may authorize the collection of personal information under this Part that is excluded from the application of this Act under those subsections.

Restrictions on collection

49.5 (1) The authority to collect personal information under section 49.4 is subject to the following restrictions:

1. A member of an inter-ministerial data integration unit or a ministry data integration unit may not collect personal information until,
 - i. the data standards have been approved by the Commissioner, and
 - ii. in the case of a member of an inter-ministerial data integration unit, the Commissioner has completed a review of the unit's practices and procedures under subsection 49.12 (2) after the unit's designation.
2. If the purpose of collecting personal information is only to compile statistical information, the member must be a member of the inter-ministerial data integration unit designated by the regulations for this purpose.
3. A member of an inter-ministerial data integration unit may not collect personal health information from a health information custodian unless authorized to do so by the regulations.
4. A member of a ministry data integration unit may only collect personal health information from a health information custodian if the unit is located in the Ministry of Health and Long-Term Care.
5. A member of an inter-ministerial data integration unit or a ministry data integration unit may not collect the following types of information, including personal information:
 - i. Information that would reveal information that was obtained in connection with the imposition or collection of a tax or duty imposed under an Act of Canada or of a province or territory, unless the unit is located in the Ministry of Finance.
 - ii. Notes of personal information about an individual that are recorded by a health information custodian and that document the contents of conversations during a counselling session.
6. Any other restriction prescribed by the regulations.

Definitions

(2) In this section "health information custodian" and "personal health information" have the same meanings as in the *Personal Health Information Protection Act, 2004*.

Linking and de-identification

49.6 (1) Upon collection of personal information under this Part, a member of an inter-ministerial data integration unit or a ministry data integration unit shall do the following as soon as reasonably possible in the circumstances:

1. Create a record containing the minimal amount of personal information necessary for the purpose of de-identifying the information and linking it to other information collected by the unit.
2. De-identify the personal information.
3. If the information is to be linked, link the personal information that has been de-identified under paragraph 2 to other de-identified information within the unit.
4. Promptly and securely destroy any record created under paragraph 1 that contains personal information, subject to any exemptions set out in the data standards.

(2) In complying with subsection (1), the member shall comply with the requirements set out in the data standards.

Limits on use of personal information

49.7 (1) A member of an inter-ministerial data integration unit or a ministry data integration unit may only use personal information collected under this Part,

- (a) to link and de-identify the information under section 49.6; and
- (b) to conduct an audit where there are reasonable grounds to believe that there has been inappropriate receipt of a payment, service or good, including any benefit funded in whole or in part, directly or indirectly, by the Government of Ontario.

Reporting on use

(2) The minister of the ministry in which an inter-ministerial data integration unit or a ministry data integration unit is located shall publicly report on the use of personal information under subsection (1) in accordance with the data standards.

Limits on use of de-identified information

49.8 No person or entity shall use or attempt to use information that has been de-identified under this Part, either alone or with other information, to identify an individual.

Disclosure of personal information

49.9 A member of an inter-ministerial data integration unit or a ministry data integration unit may only disclose personal information collected under this Part if,

- (a) the disclosure is to another member of the inter-ministerial data integration unit or the ministry data integration unit, as the case may be, who need access to the information in the performance of their duties in connection with this Part;
- (b) the disclosure is required by law;
- (c) the disclosure is to an institution or a law enforcement agency in Canada and,
 - (i) the disclosure is to aid in an investigation undertaken by the institution or the agency with a view to a law enforcement proceeding, or
 - (ii) there is a reasonable basis to believe that an offence may have been committed and the disclosure is to enable the institution or the agency to determine whether to conduct such an investigation;
- (d) the disclosure is for the purpose of a proceeding or a contemplated proceeding before a court or a tribunal and the information relates to or is a matter in issue in the proceeding and,
 - (i) the ministry or the Government of Ontario is, or is expected to be, a party, or
 - (ii) a current or former employee, consultant or agent of the unit is, or is expected to be, a witness;
- (e) the disclosure is to the Commissioner; or
- (f) the disclosure for a research purpose is permitted by the regulations and the conditions prescribed in the regulations are met.

Notice of collection

49.10 The minister of the ministry in which an inter-ministerial data integration unit or a ministry data integration unit is located shall ensure that a notice is published on a website that contains the following information respecting any personal information that a member of the unit intends to collect under this Part:

1. The legal authority for the collection.
2. The types of personal information that may be collected.
3. The sources of the personal information that may be collected.
4. The purpose for which the personal information is collected and may be used and disclosed, including the general nature of the linkages that may be made with the personal information.
5. The title and contact information of a member of the inter-ministerial data integration unit or the ministry data integration unit, as the case may be, who can answer questions about the collection, use and disclosure of the personal information under this Part.
6. The contact information for the Commissioner and a description of the Commissioner's functions under section 49.12.

Security and retention

49.11 (1) The minister of the ministry in which an inter-ministerial data integration unit or a ministry data integration unit is located shall ensure that any personal information collected under this Part is,

- (a) retained, transferred and disposed of in a secure manner so as to protect the information against theft or loss or unauthorized access, use or disclosure;
- (b) retained separately from other personal information in the custody or under the control of the institution;
- (c) retained for the period of time set out in the data standards or, if there is no such specified period, for at least one year after the day it was last used by a member of the unit; and
- (d) securely disposed of in accordance with the data standards.

Security requirements

(2) In complying with clause (1) (a), the minister shall comply with any requirements set out in the data standards respecting the security of the personal information.

Notice of theft, loss, etc., to individual

(3) Subject to the exceptions and additional requirements, if any, that are prescribed, if personal information collected under this Part that is in the custody or control of an inter-ministerial data integration unit or a ministry data integration unit is stolen or lost or if it is used or disclosed in a manner that is not permitted by this Part, the minister of the ministry in which the unit is located shall,

- (a) notify the individual to whom the personal information relates at the first reasonable opportunity of the theft or loss or the unauthorized access, use or disclosure; and
- (b) include in the notice a statement that the individual is entitled to make a complaint to the Commissioner.

Notice to Commissioner

(4) In the case of a theft or loss or of a use or disclosure in a manner that is not permitted by this Part, the minister shall notify the Commissioner of the theft, loss or unauthorized use or disclosure at the first reasonable opportunity.

Commissioner's review of practices

49.12 (1) The Commissioner may conduct a review of the practices and procedures of an inter-ministerial data integration unit or a ministry data integration unit if the Commissioner has reason to believe that the requirements of this Part are not being complied with.

Mandatory review of inter-ministerial data integration unit

(2) The Commissioner shall conduct a review of the practices and procedures of an inter-ministerial data integration unit in order to determine if they comply with the requirements under this Part,

- (a) after the unit is designated; and
- (b) as otherwise necessary to ensure that a review of the practices and procedures is conducted at least once every three years.

Conduct of review

(3) In conducting a review referred to in subsection (1), the Commissioner shall review the practices and procedures of the inter-ministerial data integration unit or the ministry data integration unit, as the case may be, to determine whether,

- (a) there has been unauthorized collection, retention, use, disclosure, access to or modification of personal information collected under this Part; and
- (b) the requirements under this Part, including requirements with respect to notice, de-identification, retention, security and secure disposal, have been met.

Duty to assist

(4) Members of the inter-ministerial data integration unit or the ministry data integration unit and the minister of the ministry in which the unit is located shall co-operate with and assist the Commissioner in the conduct of the review.

Powers of Commissioner

(5) The Commissioner may require the production of such information and records that are relevant to the subject matter of the review and that are in the custody or under the control of,

- (a) the institution in which the inter-ministerial data integration unit or the ministry data integration unit is located;
- (b) an institution, an institution within the meaning of the *Municipal Freedom of Information and Protection of Privacy Act*, a person or an entity that has disclosed personal information to the inter-ministerial data integration unit or the ministry data integration unit under this Part; or

- (c) an institution, an institution within the meaning of the *Municipal Freedom of Information and Protection of Privacy Act*, a person or entity to whom a member of the inter-ministerial data integration unit or the ministry data integration unit has disclosed personal information under this Part.

Same

(6) A member of an inter-ministerial data integration unit or a ministry data integration unit, the minister of the ministry in which the unit is located, the head of an institution referred to in clause (5) (b) and the administrative head of a person or entity referred to in clauses (5) (b) and (c) shall provide the Commissioner with whatever assistance is reasonably necessary for the conduct of the review, including using any data storage processing or retrieval device or system to produce a record required by the Commissioner in readable form.

Orders

(7) If, after giving an opportunity to be heard to the minister of the ministry in which the inter-ministerial data integration unit or the ministry data integration unit is located, the Commissioner determines that a practice or procedure contravenes this Part, the Commissioner may order the unit to do any of the following:

1. Discontinue the practice or procedure.
2. Change the practice or procedure as specified by the Commissioner.
3. Destroy personal information collected or retained under the practice or procedure.
4. Implement a new practice or procedure as specified by the Commissioner.

Limit on certain orders

(8) The Commissioner may order under subsection (7) no more than what is reasonably necessary to achieve compliance with this Part.

Procedure

(9) The *Statutory Powers Procedure Act* does not apply to a review conducted under this section.

Annual report

49.13 (1) The minister of a ministry in which is located an inter-ministerial data integration unit or a ministry data integration unit that collects personal information under this Part during the course of a year shall ensure that an annual report for the year is published on a Government of Ontario website on or before April 1 in the following year.

Contents of report

- (2) The annual report shall,
- (a) describe the types of personal information that were collected and used during the year;
 - (b) describe the purposes for which personal information was collected, used and disclosed during the year;
 - (c) describe the nature of the linkages of personal information that have been made over the year;
 - (d) provide a summary of the manner in which de-identified information was used and disclosed during the year; and
 - (e) set out a description of how the practices and procedures of the inter-ministerial data integration unit or the ministry data integration unit meet the requirements of this Part.

Data standards

- 49.14** (1) The responsible minister or a person designated by him or her shall,
- (a) prepare draft data standards providing for anything referred to in this Part as being provided for in the data standards, including practices and procedures for use in,
 - (i) collecting, using and disclosing personal information,
 - (ii) linking and de-identifying personal information,
 - (iii) reporting publicly on the use of personal information,
 - (iv) securely retaining personal information, including providing for a minimum retention period for personal information, and
 - (v) securely disposing of personal information; and
 - (b) provide the draft data standards to the Commissioner who may approve them.

Publicly available

(2) The responsible minister shall make the data standards available on a Government of Ontario website in English and in French.

Non-application of the *Legislation Act, 2006*, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the data standards.

Regulations

49.15 (1) The Lieutenant Governor in Council may make regulations governing anything that this Part refers to as being provided for in the regulations.

Inter-ministerial data integration unit

(2) The regulations may only designate a single inter-ministerial data integration unit whose members are also authorized to collect personal information solely for the purpose of compiling statistical information, and the unit must be located in the ministry of the minister who is responsible for the administration of the *Statistics Act*.

Consultation with Commissioner

(3) A minister shall consult with the Commissioner before recommending a regulation to the Lieutenant Governor in Council that,

- (a) designates an inter-ministerial data integration unit; or
- (b) permits the disclosure of personal information for a research purpose under clause 49.9 (f) or establishes any conditions for the purposes of that clause.

7 Subsection 50 (4) of the Act is amended by adding “a complaint respecting a review conducted by the Commissioner under section 49.12 or an order made by the Commissioner under that section” after “provided under this Act or the *Municipal Freedom of Information and Protection of Privacy Act*”.

8 Subsection 61 (1) of the Act is amended by adding the following clause:

- (b.1) wilfully contravene section 49.8;

Commencement

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

**SCHEDULE 32
GASOLINE TAX ACT**

1 Subsection 33 (1) of the *Gasoline Tax Act* is amended by adding the following clauses:

- (e.1) establishing requirements for retailers to meet in order to sell or deliver gasoline to persons exempt from the payment of tax imposed by this Act;
- (e.2) establishing procedures that retailers must follow in respect of the sale or delivery of gasoline to persons exempt from the payment of tax imposed by this Act;

Commencement

2 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 33
INSURANCE ACT**

1 The *Insurance Act* is amended by adding the following section:

Electronic format of documents

37 Subject to any specific requirements set out in this Act, the regulations, the Authority rules or other applicable law, including the *Electronic Commerce Act, 2000*, a record or other document that is to be provided, issued or otherwise transmitted under this Act may be provided, issued or otherwise transmitted in electronic format.

2 Subsection 44 (2) of the Act is amended by striking out “mailed” in the portion before clause (a) and substituting “provided”.

3 (1) Subsection 121.0.1 (1) of the Act is amended by adding the following paragraphs:

16.1 Prescribing requirements respecting the electronic designation of a beneficiary under subsection 190 (1.2).

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26.1 Prescribing requirements respecting the electronic designation of a beneficiary under subsection 313 (1.0.2).

(2) Subsection 121.0.1 (1) of the Act is amended by adding the following paragraph:

18.1 Prescribing, for the purposes of subsection 229 (1), the times for supplying information and the information to be supplied.

4 Subsection 134 (3) of the Act is amended by adding “personal delivery, or prepaid courier if there is a record by the person who has delivered it that the notice has been sent” at the end.

5 (1) Clause 5 (1) (a) of the Statutory Conditions set out in section 148 of the Act is repealed and the following substituted:

- (a) by the insurer giving to the insured fifteen days notice of termination by registered mail or five days written notice of termination personally delivered or delivered by prepaid courier if there is a record by the person who delivered it that the notice has been sent;

(2) Section 15 of the Statutory Conditions set out in section 148 of the Act is repealed and the following substituted:

Notice

15 Any written notice to the insurer may be delivered to the chief agency or head office of the insurer in the Province.

6 Section 190 of the Act is amended by adding the following subsections:

Electronic declaration

(1.1) Despite anything to the contrary in the *Succession Law Reform Act*, a declaration under this section may be provided electronically.

Same, Authority rule requirements

(1.2) An electronic declaration under this section must comply with such requirements as may be prescribed by the Authority rules.

7 Subsection 269 (2) of the Act is repealed and the following substituted:

Demand for particulars

(2) The person or his or her personal representative may demand, in writing, the particulars described in subsection (1) from the owner or operator of the automobile or the insurer, if any, of either of them.

8 (1) Subsections 6 (2) and (3) of the Statutory Conditions set out in section 300 of the Act are repealed and the following substituted:

(2) The notice of termination may be given in the following ways:

1. It may be personally delivered to the insured.
2. It may be delivered by prepaid courier to the latest address of the insured on the records of the insurer if there is a record by the person who has delivered it that the notice has been sent.
3. It may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is personally delivered or delivered by prepaid courier to the insured, five days notice of termination shall be given. Where it is mailed to the insured, 15 days notice of termination shall be given, and the 15-day period begins on the day the registered letter or notification of it is delivered to the insured’s address.

(2) Clause 7 (1) (a) of the Statutory Conditions set out in section 300 of the Act is repealed and the following substituted:

- (a) give written notice of claim to the head office or chief agency of the insurer in the Province or an authorized agent of the insurer in the Province not later than 30 days from the date a claim arises under the contract on account of an accident, sickness or disability;

9 Subclause 303 (1) (b) (ii) of the Act is amended by adding “or delivered by prepaid courier to the latest address of the insured on the records of the insurer if there is a record by the person who has delivered it that the notice has been sent” at the end.

10. Section 313 of the Act is amended by adding the following subsections:

Electronic declaration

(1.0.1) Despite anything to the contrary in the *Succession Law Reform Act*, a declaration under this section may be provided electronically.

Same, Authority rule requirements

(1.0.2) An electronic declaration under this section must comply with such requirements as may be prescribed by the Authority rules.

11 Clause 328 (b) of the Act is amended by striking out “the mailing” and substituting “the delivery or mailing”.

Plan for Care and Opportunity Act (Budget Measures), 2018

12 Section 2 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* is repealed.

Commencement

13 Subject to subsections (2) and (3), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Section 1, subsection 3 (2) and sections 4, 5, 7, 8, 9 and 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 3 (1) and sections 6 and 10 come into force on the later of the day section 10 of Schedule 21 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 34
INVESTING IN ONTARIO ACT, 2008

Repeal

1 The *Investing in Ontario Act, 2008* is repealed.

Financial Administration Act

2 The following provisions of the *Financial Administration Act* are repealed:

1. Subsection 1.0.8 (7).
2. Subsection 1.0.26 (2).

Revocation

3 Ontario Regulation 277/08 (Payments under the Act in Respect of the 2007-2008 Fiscal Year) is revoked.

Commencement

4 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 35
JURIES ACT**

1 (1) The definitions of “county” and “Director of Assessment” in section 1 of the *Juries Act* are repealed.

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

“jury area” means a jury area established by the regulations; (“zone de constitution de jurys”)

“Jury Sheriff” means the person to whom the powers and duties of a Jury Sheriff are assigned under section 73 of the *Courts of Justice Act*; (“shérif chargé des jurys”)

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

“upper-tier municipality” has the same meaning as in subsection 1 (1) of the *Municipal Act, 2001*. (“municipalité de palier supérieur”)

(3) The definition of “jury questionnaire” in section 1 of the Act is amended by striking out “the form prescribed by the regulations” and substituting “the prescribed form”.

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

Eligible jurors

2 Subject to sections 3 and 4, a person is eligible and liable to serve as a juror on juries in the Superior Court of Justice if the person,

- (a) resides in Ontario;
- (b) is a Canadian citizen;
- (c) is at least 18 years of age at the beginning of the year in which the jury is selected; and
- (d) can speak, read and understand English or French.

3 (1) The English version of subsection 3 (3) of the Act is amended by striking out “sittings” and substituting “sitting”.

(2) Subsection 3 (4) of the Act is repealed and the following substituted:

Previous service

(4) A person is ineligible to serve as a juror in a year if, at any time within three years preceding the year for which the jury roll is prepared, the person,

- (a) attended court for jury service in response to a summons after selection from the jury roll; or
- (b) attended a coroner’s inquest for jury service in response to a summons issued under subsection 33 (2) of the *Coroners Act*.

4 Sections 4 to 7 of the Act are repealed and the following substituted:

Ineligibility for personal reasons

4 A person is ineligible to serve as a juror if the person,

- (a) is physically or mentally unable to discharge the duties of a juror and cannot be reasonably accommodated in such a way as to allow them to perform those duties; or
- (b) has been convicted of an offence that may be prosecuted by indictment, unless the person has subsequently been granted a record suspension under the *Criminal Records Act* (Canada) or a pardon.

Jury source list

4.1 (1) On or before June 1 in each year, the Minister of Health and Long-Term Care shall prepare a jury source list that includes the information described in subsection (4) and disclose it to the Jury Sheriff.

Uses of jury source list

(2) The jury source list shall be used only for the purposes of creating the jury roll under sections 6 to 8.

No disclosure

(3) The Jury Sheriff shall ensure that the jury source list is not disclosed unless the Jury Sheriff is required by law to do so.

Contents of jury source list

(4) The jury source list must contain the names and addresses of every person who, according to the most recent information available to the Minister of Health and Long-Term Care,

- (a) is registered as an insured person under the *Health Insurance Act* and the regulations made under it;
- (b) resides in Ontario;
- (c) is a Canadian citizen; and
- (d) is at least 18 years of age or will attain the age of 18 on or before December 31 of the year in which the list is provided.

PREPARATION OF JURY ROLLS

Duty of local sheriff to determine number of jurors on roll

- 5** (1) The local sheriff for a jury area shall, on or before September 15 in each year, determine for the ensuing year,
- (a) the number of jurors that will be required for each sitting of the Superior Court of Justice in the jury area;
 - (b) the number of persons that will be required for selection from the jury roll for the purposes of any other Act in the jury area; and
 - (c) the aggregate number of persons that will be so required.

Required number of jury questionnaires

(2) The local sheriff shall determine the number of persons in the jury area who need to be mailed a jury questionnaire in order to attain the aggregate number of persons described in clause (1) (c) and shall submit that information to the Jury Sheriff.

Jury questionnaires

6 (1) In each year on or before October 31, the Jury Sheriff shall cause a jury questionnaire, in the prescribed form, and a prepaid return envelope to be mailed to the number of persons in each jury area specified in the local sheriff's determination under section 5.

Random selection

(2) The Jury Sheriff shall randomly select the required number of persons to receive the jury questionnaire and envelope from among the persons whose names and addresses are included in the jury source list provided by the Minister of Health and Long-Term Care under subsection 4.1 (2).

Address for mailing

(3) The jury questionnaire shall be mailed to the most recent address of the person provided by the Minister of Health and Long-Term Care under section 4.1.

Return of jury questionnaire

(4) Every person to whom a jury questionnaire is mailed under this section shall, within 30 days after receiving it, accurately and truthfully complete it and return it to the Jury Sheriff by mail or by such electronic method as may be specified in the questionnaire.

When deemed received

(5) For the purposes of this section, the jury questionnaire shall be deemed to have been received on the third day after the day of mailing unless the person to whom the jury questionnaire is mailed establishes that he or she, acting in good faith, through absence, accident, illness or other cause beyond his or her control did not receive the questionnaire, or did not receive it until a later date.

Supplementary names

(6) The Jury Sheriff may, at any time, mail such number of additional jury questionnaires as in his or her opinion are required to obtain the required number of persons for the jury roll.

Jury Sheriff to prepare jury roll

7 The Jury Sheriff shall in each year prepare a roll called the jury roll that is divided into parts for each jury area in Ontario.

5 (1) Subsections 8 (1) and (3) of the Act are amended by striking out "sheriff" wherever it appears and substituting in each case "Jury Sheriff".

(2) Subsections 8 (4), (5) and (6) of the Act are repealed.

6 Section 9 of the Act is amended by striking out "sheriff" and substituting "Jury Sheriff".

7 Sections 10 to 12 of the Act are repealed and the following substituted:

Extension of times

10 The Chief Justice of the Superior Court of Justice may, upon the request of the Jury Sheriff, extend any times set out in this Act in connection with the preparation of the part of the jury roll that relates to the jury area to such date as the Chief Justice considers appropriate and may authorize the continued use of the latest jury roll until the date so fixed.

Additions to roll by Jury Sheriff

11 If there are not enough names on the existing jury roll to fill a panel request, the Jury Sheriff may add to the list of names on the jury roll by randomly selecting names of eligible jurors from any of the previous three years' jury rolls.

Secrecy of jury roll

11.1 (1) The Jury Sheriff shall keep the jury roll in a secure location or, in the case of an electronic jury roll, in a secure database under the control of the Jury Sheriff.

No disclosure

(2) The Jury Sheriff shall ensure that the jury roll is not disclosed unless the Jury Sheriff is required by law to do so.

JURY PANELS

Issuance of precepts

12 A judge of the Superior Court of Justice may issue precepts in the prescribed form to the Jury Sheriff for the return of such number of jurors as the local sheriff has determined as the number to be summoned or such greater or lesser number as in the judge's opinion is required.

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

Two or more sets of jurors

(1) Where a judge of the Superior Court of Justice considers it necessary that the jurors to form the panel for a sitting of the Superior Court of Justice be summoned in more than one set, the judge may direct the Jury Sheriff to summon such number of jurors in such number of sets on such day for each set as the judge thinks fit.

(2) **Subsection 13 (2) of the Act is amended by striking out "sheriff" and substituting "Jury Sheriff".**

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

Additional jurors

(1) A judge of the Superior Court of Justice, after the issue of the precept, at any time before or during the sitting of the court, by order under his or her hand and seal, may direct the Jury Sheriff to summon an additional number of jurors.

(2) **Subsection 14 (2) of the Act is amended by striking out "sheriff" and substituting "Jury Sheriff".**

10 (1) Sections 15 to 20 of the Act are repealed and the following substituted:

Panel list of jurors

15 (1) After receiving a precept for the return of jurors, the Jury Sheriff shall prepare a panel list in accordance with this section.

Random selection of names for panel list

(2) The Jury Sheriff shall randomly select the number of names required by the precept from the jury roll for the jury area to form the panel list.

Panel list requirements

- (3) The panel list shall,
- (a) list the selected panellists;
 - (b) include each selected panellist's,
 - (i) unique identification number listed on the jury roll,
 - (ii) place of residence, and
 - (iii) occupation;
 - (c) identify the precept that gave rise to the panel list; and
 - (d) state the date and place where the panel list was randomly selected.

Electronic panel list

(4) The Jury Sheriff may use an electronic or other automated procedure to prepare the panel list.

Criminal record check

16 (1) For the purposes of confirming whether clause 4 (b) applies in respect of a person selected under section 15 for inclusion on a jury panel, the Jury Sheriff may, in accordance with this section and the regulations, request that a criminal record check, prepared from national data on the Canadian Police Information Centre database, be conducted concerning the person.

Timing

(2) A criminal record check concerning a person that is requested under subsection (1) shall be obtained by the Jury Sheriff before he or she finalizes the jury panel on which the person is to be included.

Collection, use and disclosure of personal information by Jury Sheriff

(3) Subject to any restrictions or conditions set out in the regulations, the Jury Sheriff shall collect, directly or indirectly, use and disclose such personal information respecting a person who is the subject of a criminal record check under subsection (1) as is required for the purposes of this section.

Agreement with police force

(4) The Jury Sheriff may enter into an agreement with a prescribed police force respecting,

- (a) the preparation of a criminal record check by the police force for the purposes of this section; and
- (b) the collection, use and disclosure of personal information by the police force for the purposes of the criminal record check.

Removal and replacement

(5) If, on review of a person's criminal record check, the Jury Sheriff determines that clause 4 (b) applies in respect of the person, the Jury Sheriff shall,

- (a) remove the person from the jury panel on which the person was to have been included;
- (b) remove the person's name and other information from the jury roll for the applicable year; and
- (c) randomly select, in accordance with section 15, another person for the jury panel to replace the person who was removed.

Notice

Summoning jurors 28 days before attendance required

17 (1) The Jury Sheriff shall summon every person on the panel list to serve on juries by mailing to the person a notice in the prescribed form at least 28 days before the day upon which the person is to attend, but when the Jury Sheriff is directed to randomly select and summon additional jurors under this Act, such 28-day period is not necessary.

Summons may be provided electronically

(2) Despite subsection (1), the Jury Sheriff may provide the form to the person in electronic format, if, in his or her returned jury questionnaire, the person consents to the provision and specifies contact information for the purpose.

Deferral of jurors

(3) A judge or the local sheriff of the court may defer the service of any person summoned for a jury sitting on the ground of illness or that serving as a juror may cause serious hardships or loss to the person or others.

Effect of deferral

(4) A person whose service is deferred under subsection (3) shall be included in a panel to be summoned for a sitting later in the year or, where there are no further sittings in that year, in a panel to be summoned for a sitting in the following year.

Secrecy of panel list

18 (1) The Jury Sheriff shall keep every panel list in a secure location or, in the case of an electronic panel list, in a secure database under the control of the Jury Sheriff.

No early disclosure

(2) The Jury Sheriff shall ensure that a panel list is not disclosed, unless the Jury Sheriff is required by law to do so, until the day described in subsection (3).

Disclosure 10 days before court sitting

(3) On or after the day that is 10 days before the first sitting of the court for which the panel has been randomly selected and until the end of the first day of that court sitting, the local sheriff for the jury area may disclose a copy of the panel list to the litigants or accused persons, or to their solicitors, for \$2 or such other fee as may be prescribed.

(2) Subsection 16 (4) of the Act, as enacted by subsection (1), is amended by striking out “police force” wherever it appears and substituting in each case “police service”.

11 (1) Section 21 of the Act is amended by,

- (a) striking out “the form prescribed by the regulations” wherever it appears and substituting in each case “the prescribed form”; and
- (b) striking out “sheriff” wherever it appears and substituting in each case “local sheriff for the jury area”.

(2) The English version of section 21 of the Act is amended by striking out “sittings” wherever it appears and substituting in each case “sitting”.

12 The English version of section 22 of the Act is amended by striking out “sittings” and substituting “sitting”.

13 (1) Subsection 23 (1) of the Act is amended by adding “Despite anything else in this Act” at the beginning.

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

Illness or hardship

(2) Despite anything else in this Act, a person summoned for jury duty may be excused from service as a juror by a judge on the grounds,

- (a) of illness;
- (b) that serving as a juror may cause serious hardships or loss to the person or others; or
- (c) that the person does not reside within a reasonable distance of the place where the proceeding is to be tried.

(3) The English version of clause 23 (3) (b) of the Act is amended by striking out “sittings” at the end and substituting “sitting”.

(4) Subsection 23 (3) of the Act is amended by striking out “sheriff” in the portion after clause (b) and substituting “local sheriff for the jury area”.

14 The English version of section 24 of the Act is amended by striking out “sittings” wherever it appears and substituting in each case “sitting”.

15 Section 25 of the Act is repealed.

16 The English version of section 26 of the Act is amended by striking out “sittings” at the end and substituting “sitting”.

17 Subsection 27 (1.1) of the Act is amended by striking out “under the direction of the sheriff” and substituting “under the direction of the local sheriff for the jury area”.

18 The Act is amended by adding the following section:

Ban on publication, limitation to access or use of information

27.2 On application by a party or on its own motion, the court or judge before which a jury trial in a civil proceeding is to be held may, if the court or judge is satisfied that such an order is necessary for the proper administration of justice, make an order,

- (a) directing that the identity of a juror or any information that could disclose their identity shall not be published in any document or broadcast or transmitted in any way; or
- (b) limiting access to or the use of that information.

19 Section 28 of the Act is repealed and the following substituted:

Selection of juries in advance

28 A jury may be selected in accordance with section 27 or 27.1 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sitting and shall attend for service upon the summons of the Jury Sheriff.

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

Supplementary jurors may be appointed if a full jury does not appear

(1) Where a full jury does not appear at a sitting for civil matters, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the local sheriff for the jury area to name and appoint, as supplementary jurors, so many of such other eligible persons of the jury area then present, or who can be found, as will make up a full jury, and the local sheriff shall summon such persons to serve on the jury.

21 Section 31 of the Act is repealed and the following substituted:

Local sheriff to note names of jurors who do not serve

31 Immediately after the sitting of the court, the local sheriff for the jury area shall note on the jury roll the non-attendance or default of every juror who has not attended and who has not been discharged by the court.

22 Section 34 of the Act is amended by striking out “municipal corporation, other than a county,” and substituting “municipality, other than an upper-tier municipality.”.

23 The Act is amended by adding the following section after the heading “General”:

Assignment by Jury Sheriff

34.1 The Jury Sheriff may, in writing, further assign any of his or her assigned powers and duties under this Act to any person, subject to such limitations, conditions and requirements as may be set out in the assignment.

24 Subsection 35 (1) of the Act is repealed and the following substituted:

Fees payable to jurors

(1) Such fees and allowances as are prescribed under the *Administration of Justice Act* shall be paid to every juror attending a sitting of the Superior Court of Justice and every person summoned to attend as a member of a jury panel.

25 (1) Subsection 36 (1) of the Act is repealed and the following substituted:

Attendance and fees

List of jurors to be recorded

(1) The clerk of the court or the local sheriff for the jury area shall, at the opening of the court and before any other business is proceeded with, record the names of those jurors who are present or absent.

(2) Subsection 36 (2) of the Act is amended by striking out “sheriff” and substituting “local sheriff for the jury area”.

26 Section 36.1 of the Act is repealed.

27 (1) Clause 37 (a) of the Act is repealed and the following substituted:

(a) prescribing anything that is referred to in this Act as prescribed;

(2) Clauses 37 (b.1) and (b.2) of the Act are repealed and the following substituted:

(b.1) setting out restrictions or conditions that apply to the collection, use or disclosure of personal information by the Jury Sheriff, for the purposes of subsection 16 (3);

(b.2) prescribing a police force for the purposes of subsection 16 (4);

(3) Clause 37 (b.2) of the Act, as re-enacted by subsection (2), is amended by striking out “police force” and substituting “police service”.

(4) Clause 37 (c) of the Act is repealed and the following substituted:

(c) establishing jury areas for the purposes of this Act and the regulations.

28 (1) Clause 38 (3) (a) of the Act is repealed and the following substituted:

(a) without reasonable excuse fails to complete the questionnaire or return it to the Jury Sheriff in accordance with subsection 6 (4);

(2) Subsection 38 (4) of the Act is repealed and the following substituted:

Evidence

(4) For the purposes of subsection (3), the failure of the Jury Sheriff to receive a completed jury questionnaire from a person within the time specified by subsection 6 (4) is proof, in the absence of evidence to the contrary, that the person failed to return the questionnaire in the time required.

(3) Subsection 38 (5) of the Act is amended by striking out “sheriff” wherever it appears and substituting in each case “Jury Sheriff”.

29 Clause 39 (c) of the Act is repealed and the following substituted:

(c) being a sheriff, wilfully empanels and selects to serve on a jury a person whose name has not been duly drawn upon the panel in the manner set out in this Act; or

30 The English version of subsection 40 (1) of the Act is amended by striking out “sittings” and substituting “sitting”.

31 Section 42 of the Act is amended by striking out “sheriff” and substituting “local sheriff for a jury area”.

32 (1) Subsection 44 (2) of the Act is amended by striking out “sheriff” and substituting “Jury Sheriff”.

(2) Section 44 of the Act is amended by adding the following subsection:

Transition

(3) Subject to sections 32 and 34, a jury panel returned by a sheriff for the purposes of this Act, as it read before the day subsection 32 (2) of Schedule 35 to the *Protecting What Matters Most Act (Budget Measures), 2019* came into force, shall continue to be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding.

33 The Act is amended by adding the following section:**Transition**

45 (1) This Act, as it read before the day this section came into force, continues to apply with respect to,

- (a) the jury roll prepared in the year before the day this section came into force; and
- (b) any proceeding involving a jury that is initiated before a new jury roll is certified under section 9 in the year in which this section comes into force.

Same

(2) For greater certainty, a jury roll prepared in accordance with this Act as it read before the day this section came into force continues to be valid for the purposes of supplying the names of additional eligible jurors under section 11.

Commencement

34 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Subsections 10 (2) and 27 (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 36
JUSTICES OF THE PEACE ACT**

1 Subsection 9 (8) of the *Justices of the Peace Act* is repealed and the following substituted:

Same, publication

(8) The Review Council shall, no earlier than 15 but no later than 30 days after making the report, publish it in English and French on its website.

2 Section 13.1 of the Act is amended by adding the following subsection:

Appointment to a court

(7) This section does not apply in the event that a justice of the peace is appointed to a court during a trial held under the *Provincial Offences Act*.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures)*, 2019 receives Royal Assent.

SCHEDULE 37
LAND REGISTRATION REFORM ACT

1 Subsection 3 (2) of the *Land Registration Reform Act* is repealed.

2 Subsection 14 (1) of the Act is amended by adding the following clauses:

- (h) authorizing the Director to approve the manner in which documents in written form can be delivered for registration under the *Land Titles Act* or the *Registry Act* or deposit under Part II of the *Registry Act*;
- (i) specifying the effect of documents in written form that are delivered for registration under the *Land Titles Act* or the *Registry Act* or deposit under Part II of the *Registry Act* in a manner approved by the Director.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 38
LIQUOR LICENCE ACT**

1 The French version of the definition of “Tribunal” in subsection 1 (1) of the *Liquor Licence Act* is amended by adding “administratif” after “l’autre tribunal”.

2 Subsection 31 (2) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

- (d) despite any designation of a place made under section 35 and subject to the regulations, a public place designated by a by-law made by the council of a municipality.

3 The French version of the following provisions of section 33 of the Act is amended by striking out “sous une forme qui n’est pas celle de l’alcool” wherever that expression appears and substituting in each case “autrement que sous forme d’alcool”:

1. Clause (a).
2. Clause (b).

4 Clause 33.1 (1) (c) of the Act is repealed and the following substituted:

- (c) the liquor was imported into Ontario in accordance with the regulations;

5 The French version of subsection 44.1 (6) of the Act is repealed and the following substituted:

Ordonnance

(6) Si la Cour, lorsqu’elle entend la requête visée au paragraphe (4), est convaincue que le requérant a droit à la possession de l’alcool, elle peut ordonner que celui-ci soit remis au requérant ou que le produit de la vente lui soit versé.

6 (1) The French version of subsection 47 (5) of the Act is amended by striking out “le tribunal” and substituting “la Cour” and by striking out “qu’il ne juge” and substituting “qu’elle ne juge”.

(2) The French version of subsection 47 (6) of the Act is amended by striking out “le tribunal” and substituting “la Cour” and by striking out “qu’il estime” and substituting “qu’elle estime” in the portion before paragraph 1.

(3) The French version of subsection 47 (7) of the Act is amended by striking out “Le tribunal” at the beginning and substituting “La Cour” and by striking out “convaincu” and substituting “convaincue”.

7 Subsection 62 (1) of the Act is amended by adding the following paragraphs:

30.0.1 governing designations made under clause 31 (2) (d), including imposing conditions and limitations on the power to make the designations;

.

30.2 prescribing requirements for the purpose of clause 33.1 (1) (c);

Commencement

8 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Sections 2, 4 and 7 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 39
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

1 The *Ministry of Training, Colleges and Universities Act* is amended by adding the following section:

Accrual of interest for repayment of loans

7.2 (1) Subject to subsection (3), with respect to a person who has received a student loan or has received a grant that has been converted to a student loan, interest on the loan begins to accrue on the first day of the month immediately following the month in which the person ceases to be,

- (a) a qualifying student, within the meaning of Ontario Regulation 70/17 (Ontario Student Grants and Ontario Student Loans), made under this Act;
- (b) a qualifying student within the meaning of Ontario Regulation 268/01 (Ontario Student Loans made August 1, 2001 to July 31, 2017), made under this Act; or
- (c) a borrower deemed to be a student for the purposes of Regulation 774 of the Revised Regulations of Ontario, 1990 (Ontario Student Loans made before August 1, 2001), made under this Act.

Same

(2) For greater certainty, interest that begins to accrue in accordance with subsection (1) is not payable until the date provided by the regulations or pursuant to a student loan agreement or consolidated loan agreement.

Same

(3) Subject to any exceptions set out in the regulations with respect to this section, subsection (1) applies to every person who ceases to be a qualifying student mentioned in clause (1) (a) or (b) or a borrower deemed to be a student mentioned in clause (1) (c), as the case may be, on or after September 1, 2019.

Deemed provision of student loan agreement

(4) Despite anything in a student loan agreement or the regulations that provides otherwise and subject to any exceptions set out in the regulations with respect to this section, subsections (1) and (3) shall be deemed to constitute a term of every student loan agreement, including any master student financial assistance agreement or master student loan agreement, that was entered into before, on or after the day section 1 of Schedule 39 to the *Protecting What Matters Most Act (Budget Measures), 2019* came into force.

No cause of action

(5) No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown as a direct or indirect result of,

- (a) the enactment, operation, administration or repeal of this section or any regulation made under clause 13 (1) (a.3);
- (b) any revocation, cessation, termination or amendment of contractual or other rights under this section or any regulation made under clause 13 (1) (a.3); or
- (c) any representation or other conduct that is related, directly or indirectly, to the date that the interest on a student loan referred to in subsection (1) starts to accrue.

Proceedings barred

(6) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation, or any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (5) may be brought or maintained against a person referred to in that subsection.

Application

(7) Subsection (6) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada.

Retrospective effect

(8) Subsections (6) and (7) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day this section came into force.

Proceedings set aside

(9) Any proceeding referred to in subsection (6) or (7) that was commenced before the day this section came into force is deemed to have been dismissed, without costs, on the day this section comes into force.

No compensation payable

(10) No person is entitled to any compensation or any other remedy or relief for the revocation, cessation, termination or amendment of contractual or other rights under this section or any regulation made under clause 13 (1) (a.3).

Exception

(11) This section does not apply to a proceeding commenced by the Crown or its agents and nothing in this section precludes a proceeding commenced by the Crown or its agents.

2 The Act is amended by adding the following section:**Collection of loans in default**

9.1 (1) Written notice shall be provided in accordance with subsection (2) to a borrower of a student loan or medical resident loan if,

- (a) the borrower is in default of their obligation to repay the loan;
- (b) the Minister has entered into a memorandum of understanding under section 11.1 of the *Ministry of Revenue Act* to enforce the collection of the debt; and
- (c) the Crown intends to take one or more of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* to enforce the collection of the debt.

Notice to borrower

(2) The notice referred to in subsection (1) must set out the following information:

1. A declaration that there is a debt owing to the Crown.
2. The amount owing and payable by the borrower.
3. The specific measures that may be taken to enforce the collection of the debt.
4. A statement providing that the borrower may request a review of the notice and the time period in which the review may be requested.
5. Any other information as may be prescribed by regulation.

Service

(3) A notice referred to in subsection (1) shall be given, issued, delivered or served only by,

- (a) personal delivery;
- (b) mail or by courier addressed to the person's last known business or residential address;
- (c) fax or by electronic mail, if the person is equipped to receive such transmissions and has consented to electronic communication; or
- (d) leaving the document, in a sealed envelope addressed to the person, with an individual who appears to be at least 16 years of age at the person's last known business or residential address.

Deemed receipt

(4) If a notice referred to in subsection (1) is given, issued, delivered or served by mail, it shall be deemed to be received on the third day after the day of mailing unless the person to whom it is given, issued, delivered or served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date.

Same

(5) Subject to subsection (6), a notice referred to in subsection (1) that is given, issued, delivered or served by a means described in clause (3) (c) shall be deemed to be received on the next business day.

Exception

(6) A notice referred to in subsection (1) that is given, issued, delivered or served by a means described in clause (3) (c) on a Saturday, Sunday or a public holiday or on any other day after 5 p.m. shall be deemed to have been received on the next day that is not a Saturday, Sunday or public holiday.

Right to review

(7) A borrower who receives a notice referred to in subsection (1) may require the Minister to review the notice by applying to the Minister for a review in a form approved by the Minister,

- (a) within the number of days after receipt of the notice prescribed by the regulations; or

- (b) if the Minister considers it appropriate in the circumstances to extend the time for applying, within the period specified by the Minister.

Review period

- (8) The Minister shall complete the review within the period prescribed by the regulations.

Same

- (9) During the period in which the Minister is conducting a review, the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* shall be taken, with respect to the subject of the notice, only in the circumstances prescribed in the regulations and in accordance with the regulations.

Minister's decision

- (10) Upon conducting a review, the Minister may find one or more of the following:
1. The borrower owes the amount specified in the notice.
 2. The borrower owes a lesser amount than the amount specified in the notice.
 3. Subject to subsection (11), the borrower owes a greater amount than the amount specified in the notice.
 4. The borrower does not owe any amount.
 5. The borrower's loan is in default.
 6. The borrower's loan is not in default.
 7. In the Minister's opinion, there are such exceptional circumstances that would warrant the Minister refraining from exercising the enforcement measures set out in the notice.
 8. Anything else that the Minister, in their discretion, considers reasonable in the circumstances.

Finding of greater amount

- (11) If the Minister finds under subsection (10) that the borrower owes a greater amount than the amount specified in the notice, a new written notice in accordance with subsection (2) that specifies the greater amount owing and payable by the borrower shall be issued to the borrower.

Decision final

- (12) A decision made by the Minister under subsection (10) is final and is not subject to appeal.

Application of ss. 11.1.1, 11.1.2 and 11.1.4 of *Ministry of Revenue Act*

- (13) None of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* shall be taken with respect to the subject of the notice unless,

- (a) such measures are taken for the purposes prescribed in the regulations;
- (b) the Minister has entered into a memorandum of understanding with the Minister of Finance for the purposes of authorizing the Ministry of Finance to take such measures; and
- (c) such measures are taken in accordance with,
 - (i) the terms set out in the memorandum of understanding referred to in clause (b), and
 - (ii) any other requirements, limitations, conditions or terms prescribed by the regulations.

Non-application of *Statutory Powers Procedure Act*

- (14) The *Statutory Powers Procedure Act* does not apply to a review under this section.

Transition

- (15) This section applies with respect to any debts that existed before, on or after the day section 2 of Schedule 39 to the *Protecting What Matters Most Act (Budget Measures), 2019* came into force.

Definition

- (16) In this section,

“borrower” means a person who has received, under this Act, a student loan, a grant that has been converted to a student loan or a medical resident loan and who is required to make repayments on the loan and includes a debtor as defined in subsection 11.1 (1) of the *Ministry of Revenue Act*.

3 (1) Subsection 13 (1) of the Act is amended by adding the following clauses:

- (a.3) providing for exceptions to subsection 7.2 (1), (2) or (3);

- (j.1) governing notices issued under section 9.1, including the manner of providing the notice and the content and form of the notice;
- (j.2) governing the review process set out under section 9.1;
- (j.3) prescribing the number of days for the purposes of clause 9.1 (7) (a);
- (j.4) prescribing the review period for the purposes of subsection 9.1 (8);
- (j.5) prescribing circumstances for the purposes of subsection 9.1 (9);
- (j.6) establishing and governing the process for taking the measures referred to in subsection 9.1 (9);
- (j.7) prescribing purposes for taking the measures referred to in clause 9.1 (13) (a);
- (j.8) prescribing requirements, limitations, conditions or terms for the purposes of subclause 9.1 (13) (c) (ii);

(u) defining, for the purposes of this Act, any word or expression used in this Act that has not already been expressly defined in this Act.

(2) Section 13 of the Act is amended by adding the following subsections:

Regulations re s. 7.2, retroactive

(3.1) A regulation made under clause (1) (a.3) is, if it so provides, effective with respect to a period before it is filed.

Regulations re s. 9.1, retroactive

(3.2) A regulation made under clauses (1) (j.1) to (j.8) is, if it so provides, effective with respect to a period before it is filed.

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

Regulations; reduction, limitation and alteration of compensation

18 (1) The Minister may make regulations governing the reduction, limitation and alteration of compensation due to an individual with respect to whom the following conditions are met:

1. The individual is employed or otherwise engaged by a post-secondary institution.
2. The individual has,
 - i. started to receive a pension under a pension plan, or
 - ii. exercised their entitlement to a transfer in accordance with section 42 of the *Pension Benefits Act* with respect to a pension or a deferred pension payable under a pension plan.
3. The years of membership or employment credited under the pension plan for the purposes of calculating the following are attributable, in whole or in part, to the employment of the individual by a post-secondary institution:
 - i. the pension referred to in paragraph 2, or
 - ii. the deferred pension referred to in paragraph 2.

Contents of regulation

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may,

- (a) establish and govern procedures, rules and methods that a post-secondary institution shall use to reduce, including reducing to zero, limit or alter the amount, form or timing of compensation due to an individual referred to in subsection (1);
- (b) establish and govern procedures, rules and methods for determining the amount or value of the pension or deferred pension to be used for the purposes of applying a reduction, limitation or alteration of compensation;
- (c) provide that the regulations prevail over any collective agreement, contract of employment or any other contract, including any collective agreement, contract of employment or other contract that existed before the regulation was made;
- (d) establish different classes of post-secondary institutions and different classes of individuals and provide for different procedures, rules and methods for reducing, limiting or altering the amount, form or timing of compensation with respect to those different classes;
- (e) require a post-secondary institution to do or refrain from doing anything relating to or arising from the reduction, limitation or alteration of the compensation due to an individual referred to in subsection (1), or relating to or arising from the rules set out in the regulation;

- (f) govern the use of any amounts saved by a post-secondary institution through the reduction, limitation and alteration of compensation required by the regulations and establish and govern procedures, rules and methods for calculating such amounts;
- (g) assign functions, duties, or powers to a member of the Executive Council with respect to the oversight and administration of the regulation;
- (h) authorize or require the disclosure, use and direct or indirect collection of personal information, including employment history and financial information, by the Minister, a post-secondary institution or any other person;
- (i) govern such transitional matters as the Minister considers necessary or advisable to facilitate the implementation of this section;
- (j) prescribe Acts for the purposes of subsection (3).

Conflict

(3) A regulation made under subsection (1) prevails over any provision of this Act or of any of the following Acts or regulations made under those Acts if the provision relates to the compensation of an individual referred to in subsection (1) and is specified in the regulation:

1. The *Broader Public Sector Accountability Act, 2010*.
2. The *Broader Public Sector Executive Compensation Act, 2014*.
3. The *Colleges Collective Bargaining Act, 2008*.
4. The *Employment Standards Act, 2000*.
5. The *Labour Relations Act, 1995*.
6. Any other Act, except the *Pension Benefits Act*, that is prescribed by the regulations.

Interpretation

(4) Expressions used in this section have the same meaning as in the *Pension Benefits Act*, unless the context requires otherwise.

(2) Paragraph 2 of subsection 18 (1) of the Act is amended by striking out “or” at the end of subparagraph i and by adding the following subparagraphs:

- iii. started to receive variable benefits from a variable benefit account established under a defined contribution provision of a pension plan, or
- iv. exercised their entitlement to a transfer in accordance with subsection 39.1 (4) of the *Pension Benefits Act*, with respect to a variable benefit account.

(3) Paragraph 3 of subsection 18 (1) of the Act is amended by striking out “or” at the end of subparagraph i, by adding “or” at the end of subparagraph ii and by adding the following subparagraph:

- iii. funds in a variable benefit account referred to in paragraph 2.

(4) Subsection 18 (2) of the Act is amended by adding the following clause:

- (b.1) establish and govern procedures, rules and methods for determining the amount or value of funds in a variable benefit account to be used for the purposes of applying a reduction, limitation or alteration of compensation;

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Subsections 4 (2) to (4) come into force on the later of the day section 2 of Schedule 34 to the *Building Ontario Up Act (Budget Measures), 2015* comes into force and the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 40
MODERNIZING THE SKILLED TRADES AND APPRENTICESHIP ACT, 2019**

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**PART I
DEFINITIONS**

Definitions

1 In this Act,

- “apprentice” means an individual who, pursuant to a registered training agreement, is receiving or is to receive training in a trade or skill set that is required as part of an apprenticeship program; (“apprenti”)
- “apprenticeship program” means an apprenticeship program established by the Registrar under section 13; (“programme d’apprentissage”)
- “certificate of apprenticeship” means a certificate issued to an individual under section 7; (“certificat d’apprentissage”);
- “certificate of completion” means a certificate in a skill set issued to an individual under section 9; (“certificat de réussite”)
- “certificate of qualification” means a certificate in a trade issued to an individual under section 8; (“certificat de qualification”)
- “certificate of restricted practice” means a certificate in respect of one or more restricted activities issued to an individual under section 11; (“certificat d’exercice restreint”)
- “compliance order” means an order made under section 22; (“ordre de mise en conformité”)
- “inspector” means an individual appointed by the Registrar to act as an inspector under section 18; (“inspecteur”)
- “Minister” means the member of the Executive Council to whom responsibility for the administration of this Act or part of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)
- “Ministry” means the ministry of the Minister; (“ministère”)
- “person” means an individual, corporation, partnership, sole proprietorship, association or any other organization or entity; (“personne”)

“personal information” means personal information as defined in subsection 2 (1) of the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“provisional certificate of restricted practice” means a provisional certificate in respect of one or more restricted activities issued to an individual under section 15; (“certificat temporaire d’exercice restreint”)

“registered training agreement” means an agreement registered under section 14 under which an individual is receiving or is to receive training in a trade or skill set required as part of an apprenticeship program; (“contrat d’apprentissage enregistré”)

“Registrar” means the Registrar of Skilled Trades and Apprenticeship designated under section 33; (“registraire”)

“regulation” means a regulation made under this Act; (“règlement”)

“restricted activity” means an activity prescribed as a restricted activity for the purposes of this Act; (“activité restreinte”)

“skill set” means a skill set prescribed as a skill set for the purposes of this Act; (“ensemble de compétences”)

“sponsor” means a person who, pursuant to a registered training agreement, is required to ensure that an individual is provided with the training required as part of an apprenticeship program; (“parrain”)

“trade” means a trade prescribed as a trade for the purposes of this Act. (“métier”)

PART II TRADES, SKILL SETS, RESTRICTED ACTIVITIES

ACTIVITIES OF TRADES AND SKILL SETS

Policy re activities of trade or skill set

2 (1) For every trade or skill set that has been prescribed as a trade or skill set for the purposes of this Act, the Minister shall issue a policy describing the activities of the trade or skill set.

Policy not a regulation

(2) A policy made under subsection (1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

Restricted activities

- (3) Unless a regulation has been made providing that a restricted activity is included in a trade or skill set,
- (a) the trade or skill set does not include the restricted activity; and
 - (b) a policy made under subsection (1) shall not describe the trade or skill set as including the restricted activity.

Same

- (4) For greater certainty, a restricted activity can be included in one or more trades or skill sets.

PROHIBITIONS

Performing restricted activity

3 No individual shall perform a restricted activity unless the individual,

- (a) is an apprentice in a trade or skill set that includes the restricted activity and is working pursuant to a registered training agreement that is not suspended;
- (b) holds a certificate of restricted practice or a provisional certificate of restricted practice in respect of that restricted activity that is not suspended; or
- (c) is otherwise exempt under this Act from the prohibition.

Employing individual to perform restricted activity

4 No person shall employ or otherwise engage an individual to perform a restricted activity unless the individual,

- (a) is an apprentice in a trade or skill set that includes the restricted activity and is working pursuant to a registered training agreement that is not suspended;
- (b) holds a certificate of restricted practice or a provisional certificate of restricted practice in respect of that restricted activity that is not suspended; or
- (c) is otherwise exempt under this Act from the prohibition.

Ratio

5 If a trade or skill set has been prescribed as being subject to an apprentice to journeyperson ratio, no sponsor of an apprentice shall permit an apprentice to work except in accordance with the ratio set out in section 17 or, if another ratio is prescribed, in accordance with the prescribed ratio.

Proof of certificate, apprenticeship**Certificate of restricted practice**

6 (1) For the purpose of determining compliance with section 3, 4 or 5, the holder of a certificate of restricted practice or a provisional certificate of restricted practice shall carry proof of their certification and when requested to do so, shall produce the proof to an inspector or a person authorized by regulation to request such production.

Apprenticeship

(2) For the purpose of determining compliance with section 3, 4 or 5, or compliance with a registered training agreement, an apprentice shall carry proof of their apprenticeship and when requested to do so, shall produce the proof to an inspector or a person authorized by regulation to request such production.

Form of proof

(3) The proof required under subsection (1) or (2) shall be in accordance with the regulations, if any.

CERTIFICATES – GENERAL

Certificate of apprenticeship

7 The Registrar shall issue a certificate of apprenticeship, in a form determined by the Registrar, to an individual who successfully completes an apprenticeship program.

Certificate of qualification

8 (1) A certificate of qualification in a trade may be issued in accordance with subsection (2) only in respect of a trade that has been prescribed as a trade for which a certifying examination is required.

Same

(2) The Registrar shall issue to an individual a certificate of qualification in a trade, in a form determined by the Registrar, if the individual,

- (a) holds a certificate of apprenticeship in the trade, or has experience or qualifications that the Registrar considers equivalent;
- (b) achieves a grade satisfactory to the Registrar on the certifying examination for the trade;
- (c) submits a completed application and pays any required fee for the application; and
- (d) meets any other criteria prescribed by the Minister.

Certificate of completion

9 (1) A certificate of completion in a skill set may be issued in accordance with subsection (2) whether or not the skill set has been prescribed as a skill set for which a certifying examination is required.

Same

(2) The Registrar shall issue to an individual a certificate of completion in a skill set, in a form determined by the Registrar, if the individual,

- (a) holds a certificate of apprenticeship in the skill set, or has experience or qualifications that the Registrar considers equivalent;
- (b) achieves a grade satisfactory to the Registrar on the certifying examination for the skill set, if the skill set has been prescribed as a skill set for which a certifying examination is required;
- (c) submits a completed application and pays any required fee for the application; and
- (d) meets any other criteria prescribed by the Minister.

Revocation of certificate

10 The Registrar may revoke a certificate of apprenticeship, certificate of qualification or certificate of completion if,

- (a) in the Registrar's opinion, any of the requirements in section 7 or subsection 8 (2) or 9 (2), as the case may be, were not met;
- (b) in the Registrar's opinion, the individual made a false or misleading statement, representation or declaration in or in connection with any application for the certificate; or

- (c) any other circumstance specified in the regulations exists.

CERTIFICATES – RESTRICTED PRACTICE

Certificate of restricted practice

Eligible certificate

11 (1) In this section,

“eligible certificate” means,

- (a) a certificate of apprenticeship in a trade that is not prescribed as a trade for which a certifying examination is required;
- (b) a certificate of qualification in a trade; or
- (c) a certificate of completion in a skill set.

Certificate of restricted practice

(2) The Registrar shall issue to an individual a certificate of restricted practice, in a form determined by the Registrar, that sets out all of the restricted activities that the individual may perform, or shall renew an individual’s certificate of restricted practice, if,

- (a) for each restricted activity, the individual holds one or more eligible certificates that include the restricted activity;
- (b) the individual submits a completed application for the issuance or renewal of the certificate and pays any required fee; and
- (c) the individual meets any other criteria prescribed by the Minister.

Amendment of certificate

(3) If, after a certificate of restricted practice is issued or renewed, the holder of the certificate obtains an additional eligible certificate in a trade or skill set that includes a restricted activity, the Registrar shall amend the certificate of restricted practice to include the additional restricted activity if,

- (a) the holder submits a completed application for the amendment of the certificate and pays any required fee; and
- (b) the holder meets any other criteria prescribed by the Minister.

Term of certificate

(4) A certificate issued or renewed under subsection (2) shall be for the prescribed term, or if no term is prescribed, for a term of three years.

Expiry

(5) A certificate of restricted practice expires at the end of its term.

Continuation of certificate pending renewal

(6) If an individual who holds a certificate of restricted practice applies to the Registrar for the renewal of the certificate before the certificate expires or within any other prescribed time period, the term of the certificate is deemed to be extended until,

- (a) the day the Registrar grants the renewal; or
- (b) if the Registrar proposes to refuse to grant the renewal, until the period of time for requesting the hearing has expired or, if a hearing is requested, until the prescribed person makes a decision.

Conditions, suspension, revocation

12 (1) A certificate of restricted practice is subject to any terms, conditions and limitations imposed on it by the Registrar.

Same

(2) Upon issuing, renewing or amending a certificate of restricted practice, or at any other time, the Registrar may impose on the certificate the terms, conditions and limitations that the Registrar considers appropriate.

Amendment of conditions

(3) The Registrar may at any time amend the terms, conditions and limitations imposed on the certificate of restricted practice.

Subject to regulations

(4) The Registrar’s authority under subsections (2) and (3) to impose or amend terms, conditions and limitations on a certificate of restricted practice is subject to the regulations, if any.

Suspension or revocation of certificate of restricted practice

- (5) The Registrar may suspend or revoke a certificate of restricted practice if, in the Registrar's opinion,
- (a) the individual who holds the certificate has failed to comply with any provision of this Act or the regulations;
 - (b) any of the criteria in subsection 11 (2) or (3) were not met at the time the application for the issuance, renewal or amendment of the certificate was made;
 - (c) the individual who holds the certificate made a false or misleading statement, representation or declaration in or in connection with their application for the issuance, renewal or amendment of the certificate;
 - (d) the individual who holds the certificate failed to comply with a compliance order;
 - (e) the individual who holds the certificate failed to pay a penalty imposed by a notice of contravention issued under section 23; or
 - (f) any other circumstance specified in the regulations exists.

Proposed refusal, terms, suspension, etc.

- (6) If the Registrar proposes to,
- (a) impose or amend terms, conditions or limitations on a certificate of restricted practice;
 - (b) suspend or revoke a certificate of restricted practice; or
 - (c) take any other action relating to the certificate of restricted practice that is set out in regulation, if any,

the Registrar shall notify the applicant or the individual who holds the certificate, as the case may be, in writing, of the proposed action.

Same

- (7) The notice shall provide the reasons for the proposed action and shall state that the applicant or the individual who holds the certificate is entitled to a hearing before the prescribed person if, within 15 days after service of the notice, the applicant or individual serves a written request for a hearing on the prescribed person.

No hearing

- (8) If the applicant or the individual who holds the certificate does not request a hearing in accordance with subsection (7), the Registrar may carry out the proposed action.

Hearing

- (9) Where the applicant or the individual who holds the certificate serves a written request for a hearing under subsection (7), the prescribed person shall hold a hearing.

Same

- (10) The hearing shall be conducted in accordance with the regulations, if any.

PART III APPRENTICESHIP

Apprenticeship program

13 (1) For each trade and skill set prescribed by the Minister, the Registrar shall establish an apprenticeship program, which may include on-the-job training standards, in-class curriculum standards, examinations and other requirements.

Same

- (2) An apprenticeship program established under subsection (1) for a trade or skill set shall correspond to the policy issued by the Minister for that trade or skill set.

In-class training

- (3) The Minister may approve persons to provide in-class training for apprenticeship programs.

Training agreements

14 (1) The Registrar shall register a training agreement under which an individual is to receive training in a trade or skill set required as part of an apprenticeship program if,

- (a) the individual to receive the training is at least 16 years old and has successfully completed the prescribed academic standard, if any, for the trade or skill set;
- (b) the sponsor to the agreement meets the prescribed criteria, if any;
- (c) the individual submits a completed application for registration and pays any required fee for the application; and

(d) any other criteria prescribed by the Minister are satisfied.

Revocation on request

(2) The Registrar may revoke the registration of a registered training agreement on the written request of a party to the agreement.

Suspension or revocation

(3) The Registrar may suspend or revoke the registration of a registered training agreement if, in the Registrar's opinion,

- (a) a party to the agreement,
 - (i) has failed to comply with a provision of this Act or a regulation,
 - (ii) has failed to comply with the registered training agreement,
 - (iii) made a false or misleading statement, representation or declaration in or in connection with their application for the registration of the agreement, or
 - (iv) is deceased or no longer exists; or
- (b) any other circumstance specified in the regulations exists.

Notice

(4) If the Registrar proposes to suspend or revoke the registration of an agreement under subclause (3) (a) (i), (ii) or (iii), the Registrar shall notify the parties to the agreement in writing of the proposed action.

Same

(5) The notice shall provide the reasons for the proposed action and shall state that the parties are entitled to a hearing before the Minister if, within 15 days after service of the notice, a party serves a written request for a hearing on the Minister.

No hearing

(6) If the parties do not request a hearing in accordance with subsection (5), the Registrar may carry out the proposed action.

Hearing

(7) Where a party to the agreement serves a written request for a hearing in accordance with subsection (5), the Minister shall hold a hearing.

Same

(8) The hearing shall be conducted in accordance with the regulations, if any.

Provisional certificates of restricted practice

15 (1) If the Registrar issues a certificate of apprenticeship to an individual in a trade or skill set that includes one or more restricted activities, the Registrar shall also provide the individual with a provisional certificate of restricted practice in respect of the restricted activities.

Same

(2) A provisional certificate of restricted practice shall be for the prescribed term or, if no term is prescribed, for a period of one year following the date the provisional certificate is issued.

Extension

(3) An individual who holds a provisional certificate of restricted practice may apply to the Registrar for an extension of the period in subsection (2) and the Registrar may grant an extension in accordance with the regulations.

Conditions, suspension, revocation

16 (1) A provisional certificate of restricted practice is subject to any terms, conditions and limitations imposed on it by the Registrar.

Same

(2) Upon issuing a provisional certificate of restricted practice or at any other time, the Registrar may impose on the certificate the terms, conditions and limitations that the Registrar considers appropriate.

Amendment of conditions

(3) The Registrar may at any time amend the terms, conditions and limitations imposed on the provisional certificate of restricted practice.

Subject to regulations

(4) The Registrar's authority under subsections (2) and (3) to impose or amend terms, conditions and limitations on a certificate of restricted practice is subject to the regulations, if any.

Suspension and revocation of provisional certificate of restricted practice

- (5) The Registrar may suspend or revoke a provisional certificate of restricted practice if, in the Registrar's opinion,
- (a) the individual who holds the certificate has failed to comply with any provision of this Act or the regulations;
 - (b) the individual who holds the certificate did not successfully complete an apprenticeship program;
 - (c) the individual who holds the certificate made a false or misleading statement, representation or declaration in connection with the completion of their apprenticeship program;
 - (d) the individual who holds the certificate failed to comply with a compliance order;
 - (e) the individual who holds the certificate failed to pay a penalty imposed by a notice of contravention issued under section 23; or
 - (f) any other circumstance specified in the regulations exists.

Proposed terms, suspension, etc.

(6) If the Registrar proposes to impose or amend terms, conditions or limitations on a provisional certificate of restricted practice or to suspend or revoke a certificate, the Registrar shall notify the individual who holds the certificate, in writing, of the proposed action.

Same

(7) The notice shall provide the reasons for the proposed action and shall state that the individual who holds the certificate is entitled to a hearing before the prescribed person if, within 15 days after service of the notice, the individual serves written request for a hearing on the prescribed person.

No hearing

(8) If the individual who holds the certificate does not request a hearing in accordance with subsection (7), the Registrar may carry out the proposed action.

Hearing

(9) Where the individual who holds the certificate serves a written request for a hearing under subsection (7), the prescribed person shall hold a hearing.

Same

(10) The hearing shall be conducted in accordance with the regulations, if any.

Ratio

17 If a trade or skill set has been prescribed as being subject to an apprentice to journeyman ratio, the number of apprentices who may be sponsored or employed by a person in the trade or skill set in relation to the number of journeymen employed or otherwise engaged by the person in the trade or skill set shall not exceed one apprentice for each journeyman.

PART IV INSPECTIONS AND INVESTIGATIONS

Registrar's inspections and investigations

- 18** (1) The Registrar may appoint inspectors for the purposes of,
- (a) determining compliance with section 3, 4 or 5 or any other provision of this Act or the regulations;
 - (b) determining compliance with a registered training agreement; or
 - (c) determining compliance with a compliance order.

Powers on inspection or investigation

- (2) An inspector conducting an inspection or investigation may,
- (a) examine a document, record or other thing that is relevant to the inspection or investigation;
 - (b) demand the production for inspection of a document, record or other thing that is relevant to the inspection or investigation;

- (c) on issuing a written receipt, remove for review and copying a document, record or other thing that is relevant to the inspection or investigation;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises;
- (e) take photographs, video recordings or other visual or audio recordings that are relevant to the inspection or investigation; and
- (f) question a person on matters relevant to the inspection or investigation.

Limitation re photographs and recordings

(3) A photograph or recording made under clause (2) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Powers and duties

(4) An inspector shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed.

Written demand

(5) A demand that a document, record or other thing be produced for inspection must be in writing and must state,

- (a) the nature of the document, record or other thing required; and
- (b) when the document, record or other thing is to be produced.

Obligation to produce and assist

(6) If an inspector demands that a document, record or other thing be produced for inspection, the person having custody of the document, record or other thing shall produce it for the inspector within the time provided for in the demand, and shall, upon the inspector's demand,

- (a) provide whatever assistance is reasonably necessary to produce a document, record or other thing in a readable form, including using a data storage, processing or retrieval device or system; and
- (b) provide whatever assistance is reasonably necessary to interpret a document, record or other thing for the inspector.

Entry on premises

(7) An inspector may, at any reasonable time and without a warrant, enter and inspect any premises for the purposes referred to in subsection (1).

Dwellings

(8) Subsection (7) does not authorize entry of a dwelling without the consent of the occupier.

Identification

(9) An inspector who enters premises under subsection (7) shall, on request, produce identification that provides evidence of their authority.

Entries and searches by warrant: inspections and investigations

19 (1) On the application, made without notice, of the Registrar or an inspector, a justice of the peace may issue a warrant authorizing the inspector to enter and search a place and examine anything that is relevant to the purposes referred to in subsection 18 (1), if the justice of the peace is satisfied that the inspector has been properly appointed and that there are reasonable and probable grounds for believing that something relevant to the inspection or investigation is at the place.

Searches by day unless stated

(2) A warrant issued under subsection (1) does not authorize an entry or search after sunset or before sunrise unless it is expressly stated in the warrant.

Assistance and entry by force

(3) An inspector entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by a peace officer and may enter a place by force.

Inspector to show identification

(4) An inspector, entering and searching a place under the authority of a warrant issued under subsection (1) shall produce their identification, on request, to any person at the place.

Return of things

20 A document, record or other thing that has been removed for review and copying,

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

Admissibility of certain documents

21 A copy of a document, record or other thing certified by an inspector to be a true copy shall be admissible in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document, record or thing itself.

PART V COMPLIANCE

COMPLIANCE ORDERS

Compliance orders

22 (1) If the Registrar or an inspector believes on reasonable grounds that a person is not in compliance with a provision of this Act or the regulations or with a registered training agreement or compliance order that was previously made, the Registrar or inspector may make an order,

- (a) ordering the person to comply with the provision, registered training agreement or compliance order;
- (b) ordering the person to do or refrain from doing anything specified in the order in order to become compliant;
- (c) specifying dates by which the person is required to do or refrain from doing the things specified; and
- (d) ordering the person to do anything else prescribed.

Requirements

(2) Without limiting the generality of subsection (1), a compliance order may include a requirement that the person submit a plan to the Registrar specifying the steps the person shall take to come into compliance and to maintain compliance.

Content of order

(3) A compliance order shall include any prescribed information.

Service

(4) The compliance order shall be served on the person whom the Registrar or inspector believes is not in compliance with this Act or the regulations.

Amendment or revocation of order

(5) If the Registrar or inspector makes a compliance order under subsection (1), he or she may amend or revoke it in accordance with the regulations, if any.

Notice

(6) Upon amending or revoking a compliance order under subsection (5), the Registrar or inspector shall give written notice of the amendment or revocation to the person to whom the order is directed.

ADMINISTRATIVE PENALTIES

Notice of contravention

23 (1) If the Registrar or an inspector believes that a person has contravened section 3, 4 or 5 or has failed to comply with a compliance order, the Registrar or inspector may issue a notice of contravention to the person setting out their belief and requiring the person to pay the prescribed administrative penalty for the contravention in question.

Purpose of administrative penalty

- (2) The following are the purposes for which a person may be required to pay an administrative penalty under this section:
 1. To encourage compliance with sections 3, 4 and 5 and with compliance orders.
 2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of section 3, 4 or 5 or of a compliance order.

Amount of administrative penalty

(3) The amount of an administrative penalty prescribed for a contravention shall reflect the purposes referred to in subsection (2).

One-year limitation

(4) A notice of contravention shall not be issued under this section more than one year after the contravention first came to the knowledge of the Registrar or inspector.

Content of notice of contravention

- (5) The notice of contravention shall,
- (a) contain or be accompanied by information setting out,
 - (i) the nature of the contravention, and
 - (ii) the date on which and the location where the contravention occurred;
 - (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
 - (c) inform the person of their right to request a review of the notice by the Minister and of the timelines to do so set out in section 24.

If no review requested

(6) If a person who has received a notice of contravention does not apply for a review under subsection 24 (1), the person shall pay the penalty to the Minister of Finance within 30 days after the day the notice of contravention was served.

Review

24 (1) A person who receives a notice of contravention under subsection 23 (1) may apply to the Minister for a review of the notice of contravention,

- (a) within 15 days after the notice of contravention is served; or
- (b) if the Minister considers it appropriate in the circumstances to extend the time for applying, within the period specified by the Minister.

If review requested

(2) If a person who has received a notice of contravention applies for a review under subsection (1), the Minister shall conduct the review in accordance with the regulations, if any.

Minister's decision

- (3) Upon a review, the Minister may, as appropriate under this Act,
- (a) resolve the notice of contravention in the manner consented to by the Registrar and the person;
 - (b) rescind the notice of contravention;
 - (c) affirm the notice of contravention; or
 - (d) amend the notice of contravention by reducing the amount of the penalty if it is excessive in the circumstances.

Decision final

(4) A decision by the Minister under this section is final.

Payment after review

(5) If the Minister affirms a notice of contravention or amends the notice by reducing the amount of the penalty, the person shall pay the penalty determined by the Minister within 30 days after the day of the Minister's decision.

Payment to Minister of Finance

(6) A person who is required to pay a penalty under this section shall pay the penalty to the Minister of Finance.

Testimony in civil proceedings, etc.

(7) Except with the consent of the Minister, the Minister may not be compelled to testify in a civil proceeding or in a proceeding before a tribunal respecting information obtained in the course of their duties under this Act.

Enforcement of administrative penalty

25 (1) If a person who is required to pay an administrative penalty fails to pay it within the time required under subsection 23 (6) or 24 (5), the notice of contravention or the Minister's decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of a notice of contravention or decision filed with the Superior Court of Justice under subsection (1) of this section and, for the purpose, the date on which the notice of contravention or decision is filed under subsection (1) shall be deemed to be the date of the order that is referred to in section 129 of the *Courts of Justice Act*.

Crown debt

26 An administrative penalty imposed under subsection 23 (1) or 24 (3) that is not paid within the time required under subsection 23 (6) or 24 (5) is a debt due to the Crown and enforceable as such.

Registrar may authorize collector

27 (1) The Registrar may authorize any person to act as a collector for the purposes of this section and sections 28 and 29 and to exercise the powers that the Registrar specifies in the authorization to collect administrative penalties owing under this Act.

Costs of collection

(2) Despite clause 22 (a) of the *Collection and Debt Settlement Services Act*, the Registrar may also authorize a collector to collect a reasonable fee or reasonable disbursements or both from each person from whom the collector seeks to collect administrative penalties owing under this Act.

Same

(3) The Registrar may impose conditions on an authorization under subsection (2) and may determine what constitutes a reasonable fee or reasonable disbursements for the purposes of that subsection.

Exception re disbursements

(4) The Registrar shall not authorize a collector who is required to be registered under the *Collection and Debt Settlement Services Act* to collect disbursements.

Fees and disbursements

28 (1) If a collector is seeking to collect an administrative penalty owing under a notice of contravention, any fees and disbursements authorized under subsection 27 (2) shall be deemed to be owing under and shall be deemed to be added to the amount of the penalty set out in the notice of contravention.

Distribution of money collected

(2) A collector shall pay the amount collected under this section with respect to the penalty to the Minister of Finance and may retain the amount collected with respect to the collector's fees and disbursements.

Settlement by collector

29 (1) A collector may agree to a settlement with the person from whom he or she seeks to collect money, but only with the written agreement of the Registrar.

Payment

(2) The person who owes money under a settlement shall pay the amount agreed upon to the collector, who shall pay it out in accordance with subsection 28 (2).

Publication

30 The Registrar may publish particulars of a notice of contravention issued under subsection 23 (1) in accordance with the regulations.

**PART VI
ADMINISTRATION**

MINISTER'S FUNCTIONS

Minister's functions

31 The functions of the Minister for the purposes of this Act are,

- (a) to prescribe trades and skill sets for the purposes of this Act;
- (b) to prescribe restricted activities for the purposes of this Act;
- (c) to issue policies describing the activities of trades and skill sets;
- (d) to approve persons to provide in-class training for apprenticeship programs;
- (e) to work with other governments in Canada with respect to the Interprovincial Standards Red Seal Program for apprenticeship and with respect to standards, qualifications and other requirements required for trades and skill sets;
- (f) to exercise and perform such other powers, duties and functions as are provided for in this Act or the regulations.

Other powers of Minister

Committees

32 (1) The Minister may establish committees to advise the Minister or the Registrar on any matter under this Act or the regulations.

Same

(2) A committee established under (1) shall consist of one or more individuals including individuals who shall have experience in the skilled trades and apprenticeship system.

Fees

(3) The Minister may establish and charge fees for applications made under this Act, for examinations required under this Act, or for any other power, duty or function performed in connection with this Act or the regulations.

REGISTRAR

Registrar of Skilled Trades and Apprenticeship

33 (1) The Minister may designate, in writing, a public servant employed under Part III of the *Public Service of Ontario Act, 2006* as the Registrar of Skilled Trades and Apprenticeship.

Duties and functions

(2) The Registrar may exercise the powers and shall perform the duties and functions conferred or imposed on the Registrar by or under this Act.

Delegation

(3) The Registrar may delegate in writing any of their powers, duties or functions under this Act to one or more persons employed in the Ministry, subject to such limitations, restrictions, conditions, and requirements the Registrar may set out in the delegation.

Registrar's functions

(4) The functions of the Registrar for the purposes of this Act are,

- (a) to issue certificates of qualification and certificates of completion;
- (b) to issue, renew, and amend certificates of restricted practice and issue and extend provisional certificates of restricted practice;
- (c) to establish apprenticeship programs for trades and skill sets;
- (d) to register training agreements;
- (e) to administer examinations, including,
 - (i) examinations that may be required for the purposes of completing an apprenticeship program, or
 - (ii) certifying examinations;
- (f) to provide those who successfully complete an apprenticeship program with a certificate of apprenticeship;
- (g) to exercise and perform functions referred to in Part IV or V relating to inspections, investigations and compliance; and
- (h) to exercise and perform such other powers, duties and functions as are provided for in this Act or the regulations.

Register

34 Subject to any regulation respecting the removal of information from the register, the Registrar shall establish and maintain a public register which shall contain,

- (a) the name of each apprentice working pursuant to a registered training agreement that is not suspended in a trade or skill set that includes one or more restricted activities, and the name of the trade or skill set in which the apprentice is receiving or is to receive training as part of an apprenticeship program;
- (b) the name of each individual who holds a certificate of restricted practice, the restricted activities set out in the certificate, and each trade or skill set that includes the restricted activity and for which the individual holds a certificate of apprenticeship, certificate of qualification or certificate of completion;
- (c) the name of each individual who holds a provisional certificate of restricted practice, the restricted activities set out in the certificate and each trade or skill set that includes the restricted activity and for which the individual holds a certificate of apprenticeship;

- (d) any terms, conditions and limitations imposed on an individual's certificate of restricted practice or provisional certificate of restricted practice;
- (e) a notation of every suspension or revocation of a certificate of restricted practice or provisional certificate of restricted practice; and
- (f) any other information that is prescribed as information to be kept in the register.

DELEGATION TO ADMINISTRATIVE AUTHORITY

Delegation to an administrative authority

35 (1) The Lieutenant Governor in Council may, by regulation, designate one or more persons as an administrative authority for the purposes of this Act.

Same

(2) Subject to subsection (3), a regulation made under subsection (1) shall specify the functions of the Minister listed in section 31 or of the Registrar listed in subsection 33 (4) for which administration is being delegated to the administrative authority, and the administrative authority shall carry out the administration of the delegated functions.

Regulation-making power

(3) A regulation made under subsection (1) may not delegate to an administrative authority any power to make regulations conferred by this Act.

Same

(4) Subject to the regulations, if a function of the Minister or Registrar is delegated to the administrative authority, any reference to the Minister or Registrar in the relevant provisions of this Act or the regulations shall be deemed to be a reference to the administrative authority, as the case may be.

Administrative agreement

36 (1) The Lieutenant Governor in Council may not designate a person as an administrative authority until the Minister and the person have entered into an administrative agreement.

Contents

- (2) The administrative agreement shall include, at a minimum, terms related to the following matters with respect to the administrative authority:
1. All matters that the Minister considers necessary for the administrative authority to carry out the administration of the delegated functions.
 2. The maintenance by the administrative authority of adequate insurance against liability arising out of the carrying out of its powers and duties under this Act or the regulations.

Amendment

(3) The Minister may unilaterally amend the administrative agreement if the Minister considers the amendment to be in the public interest, after giving the administrative authority the notice that the Minister considers reasonable in the circumstances.

Policy directions

37 (1) The Minister may issue policy directions to an administrative authority related to its powers and duties under this Act or the regulations, 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

(3) The administrative authority shall comply with the policy directions and shall implement measures to do so.

Compliance by administrative authority

38 In carrying out the administration of the delegated functions under this Act or the regulations, the administrative authority shall comply with the administrative agreement, this Act, the regulations, and other applicable law.

Conflict

39 In the event of conflict, this Act and the regulations prevail over,

- (a) the administrative agreement; and
- (b) the administrative authority's constituting documents, bylaws and resolutions.

Duty to inform Minister

40 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 powers or duties under this Act or the regulations; or
- (b) any urgent or critical matter that is likely to require action by the Minister to ensure that the administration of the delegated functions is carried out properly.

Revocation of designation

41 (1) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority if the Lieutenant Governor in Council considers it advisable to do so in the public interest.

Revocation for non-compliance

(2) The Lieutenant Governor in Council may, by regulation, revoke the designation of the administrative authority 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 allowed the administrative authority the opportunity to remedy its default within a specified time period that the Minister considers reasonable in the circumstances; and
- (c) the administrative authority has not remedied its default to the Minister's satisfaction within the specified time period mentioned in clause (b) and the Minister has so advised the Lieutenant Governor in Council.

Same

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

Revocation on request

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

Transition

(5) If the Lieutenant Governor in Council revokes the designation of the administrative authority, the Lieutenant Governor in Council may, by regulation, provide for any transitional matter necessary for the effective implementation of the revocation.

Not Crown agency

42 (1) Despite the *Crown Agency Act*, the administrative authority is not, by virtue only of the designation, 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, by virtue only of the designation, and shall not hold themselves out as such:

1. Any person who is employed or whose services are retained by the administrative authority.
2. Any member, officer, or agent of the administrative authority.
3. Any member of the board of directors of the administrative authority.

No Crown liability

43 (1) No cause of action arises against the Crown as a direct or indirect result of any act or omission that a person who is acting on behalf of the administrative authority takes or makes in the execution or intended execution of any of the person's powers or duties under this Act or the regulations.

No proceeding

(2) No action or other proceeding for damages, including but not limited to a proceeding for a remedy in contract, restitution, or tort, shall be instituted against the Crown in connection with any cause of action described in subsection (1).

Indemnification of the Crown

44 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 execution or the intended execution of the administration of the delegated functions under this Act, the regulations or the administrative agreement.

Not public money

45 (1) The money that the administrative authority collects in carrying out the administration of the delegated functions 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) only for the purposes of carrying out the administration of the delegated functions.

Audit

46 (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of the administrative authority.

Same

(2) If 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.

Reports

47 The administrative authority shall report to the Minister on its activities and financial affairs as they relate to this Act and the administrative agreement.

1. The report shall be in a form acceptable to the Minister and shall provide the information that the Minister requires.
2. The administrative authority shall prepare a report for each year and at the other times that the Minister specifies.

Right to use French

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

Administrative authority's duty

(2) 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 carrying out its powers and duties under this Act or the regulations and includes,

- (a) responding to inquiries from members of the public, and
- (b) any other communications for the purpose of providing the service or procedure.

Forms and fees

49 (1) The administrative authority may,

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

Publication of fee schedule

(2) The administrative authority,

- (a) shall publish the fees, the processes and criteria, and the rules on its website and in any other way described in the administrative agreement; and
- (b) may publish the fees, processes, criteria and rules referred to in clause (a) in any other format that the administrative authority considers advisable.

**PART VII
MISCELLANEOUS**

Conflict with *Statutory Powers Procedure Act*

50 If there is a conflict between this Act or the regulations and the *Statutory Powers Procedure Act*, the provisions of this Act or the regulations prevail.

Service of notice or document

51 (1) A notice or document to be given or served under this Act is sufficiently given or served if it is,

- (a) delivered personally;
- (b) sent by mail;
- (c) sent or delivered by another method, if the sender can prove receipt; or
- (d) sent by any other prescribed manner.

Deemed service

(2) If a notice, order or request is served by mail, the service is deemed to be made on the fifth day after the day of mailing unless the person on whom the document is served establishes that he, she or it did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive it until a later date.

Personal information

52 (1) The Minister may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes:

1. Administering this Act and the regulations and implementing the policies made under this Act.
2. Ensuring compliance with this Act, the regulations, and the policies made under this Act.
3. Planning or delivering programs or services in relation to trades, skill sets and apprenticeship that the Ministry provides or funds, in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to any of them.
4. Risk management, error management or activities to improve or maintain the quality of the programs or services in relation to trades, skill sets and apprenticeship that the Ministry provides or funds, in whole or in part.
5. Research and statistical activities that relate to apprenticeship or trades or skill sets, whether or not they are prescribed as trades or skill sets under this Act, and that are conducted by or on behalf of the Ministry.
6. Such other matters related to apprenticeship, trades or skills sets, whether or not they are prescribed as trades or skill sets under this Act, as the Lieutenant Governor in Council may determine.

Limits on collection, use and disclosure

(2) The Minister shall not collect, use or disclose personal information if other information will serve the purpose of the collection, use or disclosure.

Same

(3) The Minister shall not collect, use or disclose more personal information than is reasonably necessary to meet the purpose of the collection, use or disclosure.

Collection and use of personal information for research

(4) The collection or use of personal information for purposes related to the research as mentioned in paragraph 5 of subsection (1) is subject to any requirements and restrictions that may be prescribed.

Disclosure

(5) The Minister may require any of the following to disclose to the Minister such personal information as is reasonably necessary for the purposes described in subsection (1):

1. Persons approved by the Minister to provide in-class training for apprenticeship programs.
2. Sponsors.
3. Employers of apprentices and individuals who hold a certificate issued under this Act.
4. Any person designated as an administrative authority under this Act.
5. Other prescribed persons.

Same

(6) The Minister may specify the time at which, and the form in which, the information must be provided.

Notice required by s. 39 (2) of FIPPA

(7) If the Minister collects personal information indirectly under subsection (1), without limiting the Minister's ability to give notice in other ways, the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* may be given by a public notice posted on the Ministry's website.

Reports and information

53 The Minister may require the following persons to provide reports and information and may specify the time at which, and the form in which, the reports and information must be provided:

1. Persons approved by the Minister to provide in-class training for apprenticeship programs.
2. Any person designated as an administrative authority under this Act.
3. Other prescribed persons.

PART VIII REGULATIONS

Minister's regulations

54 (1) The Minister may make regulations,

- (a) prescribing a trade or skill set as a trade or skill set for the purposes of this Act;
- (b) prescribing an activity as a restricted activity for the purposes of this Act and providing that the restricted activity is included in one or more trades or skill sets;
- (c) providing for any transitional matter that may arise in connection with a trade, skill set or restricted activity no longer being prescribed for the purposes of this Act;
- (d) governing what constitutes proof of certification for the purposes of subsection 6 (1) or proof of apprenticeship for the purposes of subsection 6 (2);
- (e) designating persons by name, job title or otherwise who are authorized to request proof of a certificate of restricted practice, provisional certificate of restricted practice or proof of apprenticeship;
- (f) governing certificates of apprenticeship, including the revocation of certificates of apprenticeship and the circumstances in which they may be revoked;
- (g) governing certificates of qualification and certificates of completion, including,
 - (i) prescribing the trades and skill sets for which a certifying examination is required,
 - (ii) governing applications for certificates and the issuance of certificates,
 - (iii) governing the revocation of certificates, including the circumstances in which certificates may be revoked;
- (h) governing certificates of restricted practice and provisional certificates of restricted practice, including,
 - (i) applications for certificates and the issuance, renewal, extension and amendment of certificates,
 - (ii) the term for which a certificate may be issued, renewed or extended, including providing for a different term depending on the trade, skill set, or restricted activity,
 - (iii) the renewal or extension of certificates, including the time period within which an individual must apply for a renewal or extension,
 - (iv) the terms, conditions and limitations that may be imposed on certificates,
 - (v) the suspension and revocation of certificates, including the circumstances in which certificates may be suspended or revoked and the process for suspension or revocation;
- (i) governing apprenticeship programs, including with respect to on-the-job training standards, in-class curriculum standards, examinations and other requirements;
- (j) governing registered training agreements and the registration of training agreements, including prescribing academic standards, sponsor criteria and any other criteria that must be satisfied in order to register a training agreement, and the suspension and revocation of a registered training agreement, including the circumstances in which an agreement may be suspended or revoked and the process for suspension or revocation;
- (k) deeming an individual from another province or territory of Canada to be an apprentice under a registered training agreement under which he or she is to receive training in a trade or skill set required as part of an apprenticeship program, subject to such conditions and restrictions as may be specified in the regulations;
- (l) governing apprentice to journeyperson ratios, including,
 - (i) prescribing a trade or skill set as being subject to an apprentice to journeyperson ratio,
 - (ii) prescribing that a different apprentice to journeyperson ratio applies for a trade or skill set than the ratio set out in section 17,

- (iii) governing when individuals shall be deemed to be apprentices or journeypersons for the purposes of the apprentice to journeyperson ratio applicable to a trade or skill set,
- (iv) governing the determination of compliance with an apprentice to journeyperson ratio set out in section 17 or in a regulation,
- (v) establishing and governing processes by which the Minister may grant a person an exemption from an apprentice to journeyperson ratio or specify a different ratio for that person;
- (m) governing the public register;
- (n) prescribing alternative methods for serving a notice or document;
- (o) providing that a different time period or deadline shall apply instead of a time period or deadline specified in this Act;
- (p) exempting any person from any provision of this Act or the regulations;
- (q) providing for any transitional matter relating to the implementation of this Act or amendments to this Act;
- (r) prescribing or otherwise providing for anything required or permitted under this Act, other than anything referred to in subsection 55 (1), to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations.

Conflict

(2) In the event of a conflict between a regulation made under clause (1) (q) and this Act, the regulation prevails.

Lieutenant Governor in Council regulations

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

- (a) governing hearings under sections 12, 14 and 16, including prescribing the person who shall conduct hearings, the process for conducting hearings and the period within which a hearing must be requested;
- (b) governing inspections and investigations under Part IV of this Act, including prescribing additional powers and duties of inspectors;
- (c) governing compliance orders, including governing their content and when they may be amended or revoked;
- (d) governing administrative penalties and all matters necessary and incidental to the administration of a system of administrative penalties under this Act;
- (e) prescribing additional functions of the Minister for the purposes of section 31;
- (f) prescribing additional functions of the Registrar for the purposes of section 33;
- (g) delegating to the Minister the power to make regulations with respect to any matter that may be the subject of a regulation under this subsection;
- (h) where a function has been delegated to an administrative authority, governing whether references in this Act to the Minister or Registrar are deemed to be references to the administrative authority and providing that this Act shall be read with any necessary modifications;
- (i) authorizing personal information to be collected by or on behalf of the Minister, other than directly from the individual to whom the information relates, and regulating the manner in which the information is collected;
- (j) prescribing requirements and restrictions for the purposes of subsection 52 (4) and prescribing persons for the purposes of subsection 52 (5);
- (k) governing reports and information that may be required under section 53, including prescribing persons to whom section 53 applies;
- (l) defining, for the purposes of this Act and the regulations, any word or expression used in this Act that has not already been expressly defined in this Act;
- (m) providing for any other matters the Lieutenant Governor in Council considers necessary or advisable in connection with this Act.

Residual authority to act

(2) Despite any delegation to the Minister under clause (1) (g) and without having to revoke the delegation, the Lieutenant Governor in Council continues to have authority to make regulations in respect of the matter that is the subject of the delegation.

Making regulation not revocation

(3) If the Lieutenant Governor in Council makes a regulation to which subsection (2) applies, the regulation does not have the effect of revoking a delegation under this section unless the regulation so specifies.

Minister's regulations preserved

(4) The Lieutenant Governor in Council may, by regulation, revoke a delegation to the Minister under clause (1) (g), but the revocation of a delegation does not result in the revocation of any regulation the Minister made under the delegated power before the revocation of the delegation.

PART IX TRANSITION

Definition

56 In this Part,

“College” means the Ontario College of Trades.

Regulations re transition

57 (1) The Minister may make regulations providing for any transitional matters relating to the implementation of this Act and the repeal of the *Ontario College of Trades and Apprenticeship Act, 2009*, including,

- (a) deeming certificates of qualification, statements of membership and statements of completion of an apprenticeship program under the *Ontario College of Trades and Apprenticeship Act, 2009* to be certificates under this Act and providing for any related processes;
- (b) providing that terms, conditions and limitations on a certificate or statement issued under the *Ontario College of Trades and Apprenticeship Act, 2009* continue to apply or apply with modifications to a certificate or statement deemed to be a certificate issued under this Act;
- (c) deeming registered training agreements under the *Ontario College of Trades and Apprenticeship Act, 2009* to be registered training agreements under this Act and providing for any related processes;
- (d) providing that a trade is no longer deemed a trade for the purposes of this Act and providing for any transitional matter that may arise in connection with a trade no longer being deemed a trade for the purpose of this Act;
- (e) governing outstanding proceedings under Part V or administrative penalties under Part VIII.1 of the *Ontario College of Trades and Apprenticeship Act, 2009*.

Conflict

(2) In the event of a conflict between a regulation made under subsection (1) and this Act or the *Ontario College of Trades and Apprenticeship Act, 2009*, the regulation prevails.

Deemed trades

58 (1) Each trade that was prescribed under clause 74 (3) (a) of the *Ontario College of Trades and Apprenticeship Act, 2009*, as that provision read immediately before it was repealed, is deemed to be a trade for the purposes of this Act until a regulation is made prescribing the trade for the purposes of this Act or prescribing that the trade is no longer deemed to be a trade for the purposes of this Act.

Scope of practice

(2) For each trade deemed under subsection (1) to be a trade for the purposes of this Act, the scope of practice prescribed for the trade under paragraph 1 of subsection 72 (1) of the *Ontario College of Trades and Apprenticeship Act, 2009*, as that provision read immediately before it was repealed, is deemed to be the description of the trade in a policy required under subsection 2 (1) until the Minister makes a policy under that subsection providing otherwise or until the Minister prescribes that the trade is no longer deemed to be a trade for the purposes of this Act.

Same

(3) For each compulsory trade under the *Ontario College of Trades and Apprenticeship Act, 2009* deemed under subsection (1) to be a trade for the purposes of this Act, all activities included in the scope of practice of the trade under that Act are deemed to be restricted activities for the purposes of this Act until,

- (a) a regulation is made prescribing the trade for the purposes of this Act and the Minister makes a policy under subsection 2 (1); or
- (b) a regulation is made prescribing that the trade is no longer deemed to be a trade for the purposes of this Act.

Dissolution of Ontario College of Trades

59 (1) The College is dissolved on the day section 9 of the *Ontario College of Trades and Apprenticeship Act, 2009* is repealed.

Same

(2) The College shall make all reasonable efforts to pay its debts, liabilities and obligations prior to the dissolution of the College.

College assets, liabilities, etc., on dissolution

60 (1) On the date the College is dissolved, all of the rights, property and assets of the College are transferred to and vested in the Crown in right of Ontario.

Extinguishment of debts, etc.

(2) On the date the College is dissolved, all of the debts, liabilities, and obligations of the College are extinguished, subject to subsection (3).

Claim of creditor

(3) A creditor of the College may make a claim to the Minister for the payment of any debts, liabilities or obligations of the College that exist on the date the College is dissolved, and any claim shall be made and determined in accordance with the process set out in the regulations.

Amount to resolve claims

(4) The total amount that the Crown in right of Ontario may pay to resolve claims made pursuant to subsection (3) shall not exceed the liquidated value of the rights, assets and property of the College transferred to the Crown under subsection (1).

Extinguishment of claims

(5) As of the date that the Minister provides notice to claimants of the amounts payable, if any, by the Crown to such claimants to resolve claims made pursuant to subsection (3), all such claims, and any potential claims that could have been made by a creditor of the College under subsection (3), are otherwise extinguished.

Regulations

(6) The Minister may make regulations governing the process by which claims under subsection (3) shall be made and determined, including,

- (a) whether a claim for the payment of an outstanding debt, liability or obligation of the College is valid;
- (b) the circumstances in which the Minister may reduce, cancel or otherwise alter an outstanding debt, liability, or obligation of the College for the purposes of determining a claim in respect of that outstanding debt, liability or obligation;
- (c) how the amount, if any, to be paid by the Crown in right of Ontario to resolve a claim shall be determined; and
- (d) the notice that shall be given to potential claimants about the process for making claims under subsection (3) and the notice that shall be given to a claimant as to whether any amounts are payable by the Crown to that claimant and, if so, what amounts are payable.

Same

(7) For greater certainty, a regulation made under subsection (6) applies to any debt, liability or obligation of the College that exists as of the date that the regulation comes into force, regardless of when the debt, liability or obligation was incurred.

Causes of action

61 (1) No cause of action arises against the Crown, any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown, or against the Ontario College of Trades or any of its current or former directors, officers, employees or agents or members of its governing structure as a direct or indirect result of,

- (a) the operation, administration or repeal of any provision of the *Ontario College of Trades and Apprenticeship Act, 2009* or regulations under that Act;
- (b) the enactment, operation, or administration of Part IX of this Act or a regulation made under Part IX;
- (c) anything done or not done in order to comply with the *Ontario College of Trades and Apprenticeship Act, 2009*, Part IX of this Act or regulations made under Part IX; or
- (d) any revocation, cessation, termination, variation or amendment of contractual or other rights under Part IX of this Act or regulations made under Part IX.

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation, or any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against a person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada.

Retrospective effect

(4) Subsections (2) and (3) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (2) or (3) that is commenced before the day this subsection comes into force is deemed to have been dismissed, without costs, on the day this subsection comes into force.

No compensation payable

(6) No person is entitled to any compensation, other than any compensation provided for under subsection 60 (3) and the regulations, or to any other remedy or relief for the revocation, cessation, termination, variation or amendment of contractual or other rights under Part IX of this Act or regulations made under Part IX.

No expropriation

(7) Nothing in Part IX of this Act or regulations made under Part IX and nothing done or not done in accordance with Part IX of this Act or regulations made under Part IX constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART X**CONSEQUENTIAL AMENDMENTS, COMMENCEMENT AND SHORT TITLE*****Ontario College of Trades and Apprenticeship Act, 2009***

62 (1) Section 87.0.1 of the *Ontario College of Trades and Apprenticeship Act, 2009* is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding the following clause:

(f) direct the Board to make, amend or revoke any by-laws of the Board;

(2) Section 87.0.1 of the Act is amended by adding the following subsections:

Disclosure of documents, etc.

(2) The Minister may require the Board to disclose any records, documents and information of the Board, College and Registrar that the Minister considers to be necessary in connection with this Act, including but not limited to all records relating to their financial transactions and compliance and enforcement activities.

Privilege

(3) Where the Minister requires the Board to disclose privileged information under this section, the disclosure does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege.

Disclosure for purposes of compliance

(4) Where the Minister requires the Board to disclose personal information under this section or otherwise under this Act, the disclosure is deemed to be for the purposes of complying with this Act.

(3) Section 87.0.3 of the Act is amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding the following clause:

(f) providing for any transitional matters relating to the wind-up of the College.

(4) Section 87.0.3 of the Act is amended by adding the following subsection:

Conflict, transitional regulations

(2) In the event of a conflict between a regulation made under clause (1) (f) and the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*, the regulation prevails.

Infrastructure for Jobs and Prosperity Act, 2015

63 (1) The definition of “apprentice” in subsection 9 (1) of the *Infrastructure for Jobs and Prosperity Act, 2015* is repealed and the following substituted:

“apprentice” means an apprentice as defined in section 1 of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*; (“apprenti”)

(2) The definition of “registered training agreement” in subsection 9 (1) of the Act is repealed and the following substituted:

“registered training agreement” means a registered training agreement as defined in section 1 of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*; (“contrat d’apprentissage enregistré”)

(3) Subsection 9 (1) of the Act is amended to add the following definition:

“skill set” means a skill set as defined in section 1 of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*; (“ensemble de compétences”)

(4) The definition of “trade” in subsection 9 (1) of the Act is repealed and the following substituted:

“trade” means a trade as defined in section 1 of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*. (“métier”)

(5) Subclause 9 (4) (a) (i) of the Act is amended by striking out “trade” at the end and substituting “trade or skill set”.

(6) Subsection 9 (7) of the Act is repealed and the following substituted:

Obligations regarding ratios

(7) For greater certainty, information included in a commitment or plan provided for the purposes of this section must conform to any applicable requirements respecting apprentice to journeyperson ratios set out under the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*.

Municipal Act, 2001

64 The definition of “plumbing business” in section 11.1 of the *Municipal Act, 2001* is repealed and the following substituted:

“plumbing business” means plumbing contractors, and persons who do any kind of plumbing work; (“entreprise de plomberie”)

Commencement

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

Short title

66 The short title of the Act set out in this Schedule is the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*.

SCHEDULE 41
MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

1 The French version of clause 8 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* is amended by striking out “poursuite judiciaire” and substituting “instance en exécution de la loi”.

2 (1) Clause 32 (e) of the Act is repealed and the following substituted:

(e) where permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada;

(2) Clause 32 (g) of the Act is repealed and the following substituted:

(g) to an institution or a law enforcement agency in Canada if,

(i) the disclosure is to aid in an investigation undertaken by the institution or the agency with a view to a law enforcement proceeding, or

(ii) there is a reasonable basis to believe that an offence may have been committed and the disclosure is to enable the institution or the agency to determine whether to conduct such an investigation;

Commencement

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

SCHEDULE 42
NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT

1 (1) Paragraphs 1 and 2 of subsection 25 (5) of the *Niagara Escarpment Planning and Development Act* are repealed and the following substituted:

1. Notice shall be given by regular or registered mail, email or personal service to,
 - i. the Minister,
 - ii. the applicant for the permit,
 - iii. any person who has requested to receive notice of the decision, and
 - iv. subject to paragraph 2, all assessed owners of land lying within 120 metres of the land that is the subject of the application.
2. If a condominium development is located within 120 metres of the land that is the subject of the application, notice shall not be given to all owners assessed in respect of the condominium corporation but shall be given to the condominium corporation by email or by regular or registered mail at the corporation's most recent address for service or its mailing address registered under the *Condominium Act, 1998*.

(2) Subsection 25 (5.1) of the Act is repealed and the following substituted:

Same

(5.1) Notice of a decision given under subsection (5) to anyone other than the Minister shall inform the recipient that, within 14 days after the notice of the decision is sent by regular or registered mail or by email or is served personally, the recipient may appeal the decision by giving the delegate a written notice of appeal that specifies the reasons for the appeal.

(3) Subsection 25 (6) of the Act is repealed and the following substituted:

Hearing officer

(6) Where the Minister receives notice of a decision under subsection (5), the Minister may, within 14 days after the notice of the decision is sent by regular or registered mail or by email or is served personally, request the Lieutenant Governor in Council to appoint an officer for the purpose of conducting a hearing at which representations may be made respecting the decision.

(4) Subsection 25 (10) of the Act is amended by striking out “by regular or registered mail” and substituting “by regular or registered mail or by email”.

2 (1) Subsection 26 (1) of the Act is amended by striking out “the Minister shall, by personal service or by regular or registered mail, cause a written notice of the application, together with a brief statement of the nature of the application, to be delivered or mailed” and substituting “the Minister shall cause a written notice of the application, together with a brief statement of the nature of the application, to be given by personal service, by regular or registered mail or by email”.

(2) Subsection 26 (4) of the Act is amended by striking out “by regular or registered mail” and substituting “by regular or registered mail or by email”.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 43
OIL, GAS AND SALT RESOURCES ACT

1 Subsection 17 (2) of the *Oil, Gas and Salt Resources Act* is amended by adding the following clauses:

- (j.1.1) governing the format of documents, including notices, applications, reports, records, statements and returns, that are required or permitted to be issued, given, submitted or otherwise provided to a person or entity under this Act, respecting the manner in which they are to be issued, given, submitted or otherwise provided, including by email or the provision of online access, and the time at which they are to be issued, given, submitted or otherwise provided;
- (j.1.2) prescribing rules relating to the deemed receipt of documents referred to in clause (j.1.1) that are different from the rules set out in subsection 17.1.1 (1);

2 The Act is amended by adding the following section:

Deemed receipt

17.1.1 (1) Any document that is required or permitted to be issued, given, submitted or otherwise provided by this Act or by a regulation, and that is sent by regular or registered mail, courier, fax or email, shall be deemed to have been received by the intended recipient in accordance with the following rules:

1. If the document is sent by the Minister or Ministry by regular or registered mail or by courier to the recipient's most recent address shown on the Ministry's records, the document shall be deemed to have been received,
 - i. on the fifth day after the day the document is mailed or received by the courier if no person has signed for the document before that day, or
 - ii. if a person signs for the document before the day referred to in subparagraph i, on the day of the signature.
2. If the document is sent by the Minister or Ministry by fax or by email to the recipient's most recent fax number or email address shown on the Ministry's records, the document shall be deemed to have been received on the day after the day the document is sent by fax or email.
3. If the document is sent to the Minister or Ministry by regular or registered mail or by courier, the document shall be deemed to have been received,
 - i. on the fifth day after the day the document is mailed or received by the courier if no person has signed for the document on behalf of the Ministry before that day, or
 - ii. if a person signs for the document on behalf of the Ministry before the day referred to in subparagraph i, on the day of the signature.
4. If the document is sent to the Minister or Ministry by fax or by email, the document shall be deemed to have been received on the day the document is sent by fax or email.

Failure to receive document

(2) Subsection (1) does not apply if the intended recipient of the document establishes that he or she did not, acting in good faith and for good cause beyond the person's control, receive the document or receive it until after the deemed date of receipt.

Exception by regulation

(3) Subsection (1) does not apply with respect to the deemed receipt of a document if a regulation prescribes an alternate rule relating to its deemed receipt.

Definition

(4) In this section,

“document” includes an order made by an inspector under section 7 or 7.0.1.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 44
ONTARIO HERITAGE ACT**

1 (1) Subsection 67 (1) of the *Ontario Heritage Act* is amended by adding the following clause:

(0.a) by email to the last known email address of the person to whom delivery or service is required to be made;

(2) Section 67 of the Act is amended by adding the following subsection:

Same

(1.1) Subject to subsection (5), service or delivery by email is effective on the day of sending unless the document was sent after 5 p.m., in which case it is effective on the following day. If the day on which service or delivery would be effective is a Saturday or a holiday, service or delivery is instead effective on the next day that is not a Saturday or a holiday.

(3) Subsection 67 (5) of the Act is amended by striking out “Subsections (3) and (4)” at the beginning and substituting “Subsections (1.1), (3) and (4)”.

Commencement

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

SCHEDULE 45
ONTARIO INFRASTRUCTURE AND LANDS CORPORATION ACT, 2011

1 (1) Subsection 4 (1) of the *Ontario Infrastructure and Lands Corporation Act, 2011* is amended by adding the following paragraph:

6. To provide the following advice and services to non-Ontario entities when directed to do so, in writing, by the Minister, subject to any limitation that may be prescribed by the Minister in regulations made under subsection (7).
 - i. Advice on the development of public infrastructure loan programs.
 - ii. Advice and services related to real property.
 - iii. Advice and services on financial, strategic or other matters.
 - iv. Advice and services on the implementation of transactions.
 - v. Advice and services, including project management and contract management, related to infrastructure projects.

(2) Section 4 of the Act is amended by adding the following subsections:

Regulations

(7) The Minister may make regulations prescribing limitations for the purposes of paragraph 6 of subsection (1).

Definition

(8) For the purposes of paragraph 6 of subsection (1),

“non-Ontario entity” means,

- (a) a public entity that is located outside of Ontario but within Canada,
- (b) a foreign state, including,
 - (i) a country or the government of a country,
 - (ii) a political subdivision of a country or the government of a political subdivision, or
 - (iii) any department, branch or agency of the government of a country or of a political subdivision of a country, or
- (c) any other entity outside of Ontario that is designated in writing by the Minister for the purposes of this definition.

2 The Act is amended by adding the following section:

Certain revenues

21.1 (1) Despite section 21, all expenses incurred and expenditures of the Corporation in the provision of the advice and services set out in paragraph 6 of subsection 4 (1) shall be paid out of the revenues made by the Corporation from the provision of the advice and services set out in paragraph 6 of subsection 4 (1).

Net profits

(2) Despite section 21, the Corporation’s net profits from the provision of the advice and services set out in paragraph 6 of subsection 4 (1) shall be determined and paid into the Consolidated Revenue Fund at the times and in the manner directed by the Minister.

Reports

(3) The Corporation shall give the Minister, at the times required by the Minister, reports that,

- (a) set out the revenues, expenses incurred and expenditures of the Corporation, as well as the net profit and net profit forecasts of the Corporation, from the provision of the advice and services set out in paragraph 6 of subsection 4 (1); and
- (b) contain any additional financial information requested by the Minister.

Commencement

3 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 46
ONTARIO LOAN ACT, 2019

Borrowing authorized

1 (1) The Lieutenant Governor in Council may borrow in any manner provided by the *Financial Administration Act* such sums, not exceeding a total aggregate amount of \$15.1 billion, as are considered necessary to discharge any indebtedness or obligation of Ontario or to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund.

Other Acts

(2) The authority to borrow conferred by this Act is in addition to that conferred by any other Act.

Expiry

2 (1) No order in council authorizing borrowing authorized under this Act shall be made after December 31, 2021.

Same

(2) The Crown shall not borrow money after December 31, 2022 under the authority of an order in council that authorizes borrowing under this Act unless, on or before December 31, 2022,

- (a) the Crown has entered into an agreement to borrow the money under the order in council; or
- (b) the Crown has entered into an agreement respecting a borrowing program and the agreement enables the Crown to borrow up to a specified limit under the order in council.

Commencement

3 The Act set out in this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

Short title

4 The short title of the Act set out in this Schedule is the *Ontario Loan Act, 2019*.

SCHEDULE 47
ONTARIO NEW HOME WARRANTIES PLAN ACT

1 (1) Section 1 of the *Ontario New Home Warranties Plan Act* is amended by adding the following definitions:

“board” means the board of directors of the Corporation; (“conseil d’administration”)

“corporate by-law” means a by-law of the Corporation passed under Part III of the *Corporations Act* but does not include a by-law made under section 23 of this Act; (“règlement administratif interne”)

(2) The definition of “corporate by-law” in section 1 of the Act, as enacted by subsection (1), is amended by striking out “Part III of the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act, 2010* or a predecessor of that Act”.

2 The Act is amended by adding the following sections:

Conflict

2.1 (1) In the event of conflict, this Act and the regulations prevail over,

- (a) the *Corporations Information Act* or a regulation made under that Act; and
- (b) a corporate by-law or a constating document or resolution of the Corporation.

Same, Minister’s order

(2) In the event of conflict, a Minister’s order made under section 2.2, 2.3, 2.6 or 5.1 prevails over a corporate by-law or a constating document or resolution of the Corporation.

Competency criteria for board members

2.2 (1) The Minister may, by order, establish competency criteria for members of the board.

Restriction

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

Composition of the board

2.3 (1) The Minister may, by order, provide that no more than a fixed percentage of members of the board shall be drawn from among the persons or classes of persons specified in the order.

Change in number of board members

(2) The Minister may, by order, increase or decrease the number of members of the board.

Minister’s appointments to the board

2.4 (1) The Minister may appoint at pleasure one or more members to the board for a term specified in the appointment.

Majority

(2) The number of members appointed by the Minister shall not form a majority of the board.

Representation

(3) The members appointed by the Minister may include,

- (a) representatives of the public, consumer groups, businesses or government organizations; and
- (b) representatives of other interests as the Minister determines.

Appointment of chair

2.5 The Minister may appoint a chair from among the members of the board.

Disclosure of compensation and other payments

2.6 (1) In this section,

“compensation” means anything paid or provided, directly or indirectly, to or for the benefit of a person who performs duties and functions that entitle the person to be paid, and includes salary, benefits, perquisites and all forms of non-discretionary and discretionary payments.

Same

(2) The Minister may, by order, require the Corporation to make available to the public, on its website and by any other means that the Corporation determines, information relating to,

- (a) the compensation that the Corporation pays to members of the board, its officers and its employees or the amount of the compensation specified in the order; and
- (b) any other payments that the Corporation makes or is required to make to the persons mentioned in clause (a).

Compensation information

(3) An order made under subsection (2) may require that the Corporation make available to the public information relating to the compensation of a member of the board or one of its officers who is in office on the day this section comes into force or an individual who is one of its employees on that day, where the information is for a period that begins before that day.

Effect of compliance

(4) If the Corporation makes available to the public information relating to compensation in accordance with an order made under subsection (2) or in the reasonable belief that action is required by the order, no court, person or other entity shall find that the Corporation,

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

Not Crown agency

2.7 (1) Despite the *Crown Agency Act*, the Corporation 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 by the Corporation.
2. Members, officers and agents of the Corporation.
3. Members of the board, including those appointed by the Minister.

No personal liability, Crown employee

2.8 (1) No action or other proceeding shall be instituted against an employee of the Crown for an act done in good faith in the execution or intended execution of a duty under this Act or the regulations or for an alleged neglect or default in the execution in good faith of that duty.

Tort by Crown employee

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) of this section 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

2.9 (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 a person who is not a minister of the Crown, a Crown employee or a Crown agent if the act or omission is related, directly or indirectly, to the execution or intended execution of any of the person's powers or duties under this Act or the regulations.

No proceeding

(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 a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

Indemnification

2.10 The Corporation shall indemnify the Crown in respect of damages and costs incurred by the Crown for any act or omission of the Corporation or its members, officers, directors, employees or agents in the execution or intended execution of their powers and duties under this Act or the regulations.

3 The following provisions of the Act are amended by striking out “of the Corporation” wherever that expression appears:

1. Paragraph 4 of subsection 5.1 (2).
2. Subsection 5.1 (3).
3. Subsection 5.2 (1).

4 Section 5.4 of the Act is amended by adding the following subsection:

Access to records and information

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

5 Section 11 of the Act is amended by adding the following subsections:**Guarantee fund**

(1.1) The guarantee fund includes all financial arrangements that are in place for providing money to the fund.

Management of guarantee fund

(1.2) The Corporation shall maintain, manage and administer the guarantee fund and shall ensure that the money in the fund is adequate for the purpose of providing compensation under the Plan.

6 Subsection 17 (4) of the Act is amended by striking out “Arbitrations Act” and substituting “Arbitration Act, 1991”.**Commencement**

7 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Subsection 1 (2) comes into force on the later of the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 48
PENSION BENEFITS ACT**

1 (1) Clause 1 (4) (a) of the *Pension Benefits Act* is amended by adding “subsection (4.1) or” before “the *Business Corporations Act*”.

(2) Clause 1 (4) (a) of the Act is amended by striking out “subsection (4.1) or the *Business Corporations Act*” and substituting “the *Business Corporations Act* or the *Not-for-Profit Corporations Act, 2010*”.

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

Affiliated body corporate

(4.1) For the purposes of clause (4) (a), one body corporate is deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person.

Subsidiary body corporate

(4.2) For the purposes of subsection (4.1), a body corporate is deemed to be a subsidiary of another body corporate if, but only if,

- (a) it is controlled by,
 - (i) that other body corporate,
 - (ii) that other body corporate and one or more bodies corporate each of which is controlled by that other body corporate, or
 - (iii) two or more bodies corporate each of which is controlled by that other body corporate; or
- (b) it is a subsidiary of a body corporate that is that other body corporate’s subsidiary.

Control

(4.3) For the purposes of subsection (4.1) and clause (4.2) (a), a body corporate is deemed to be controlled by another person or by two or more bodies corporate if, but only if,

- (a) shares or memberships of the first-mentioned body corporate to which are attached more than 50 per cent of the votes that may be cast to elect directors of that body corporate are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate; and
- (b) the votes attached to those shares or memberships are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned body corporate.

(4) Subsections 1 (4.1), (4.2) and (4.3) of the Act, as enacted by subsection (3), are repealed.

2 Paragraph 5 of subsection 39.2 (1) of the Act, as enacted by section 17 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is repealed and the following substituted:

5. Either of the following circumstances exist:

- i. The obligation of an employer to contribute to the pension fund in respect of the benefit is limited to a fixed amount set out in one or more collective agreements and the pension plan satisfies such conditions as may be prescribed.
- ii. The obligation of an employer to contribute to the pension fund in respect of the benefit is limited to a fixed amount set out in one or more documents, other than a collective agreement, that create and support the plan and the pension plan satisfies such conditions as may be prescribed.

3 Section 55.1 of the Act is amended by adding the following subsection:

No limitation

(4.1) This section does not prevent the reduction or suspension of contributions for normal cost of the pension plan or contributions for the provision for adverse deviations in respect of the normal cost of the pension plan if the reduction or suspension is otherwise authorized by this Act or the regulations.

4 Section 82 of the Act is amended by adding the following subsection:

Not public money

(8) The assets of the Guarantee Fund are not public money within the meaning of the *Financial Administration Act* and do not form part of the Consolidated Revenue Fund.

5 The Act is amended by adding the following section:

Minister's request for records and information

Information re pension plan or pension fund

115.3 (1) The Authority shall promptly give the Minister such records and information related to a pension plan or pension fund, or both, as the Minister requests, including any record or information relating to the pension plan or pension fund that is required to be filed with, or provided to, the Chief Executive Officer by the administrator of the pension plan under this Act.

Information re Guarantee Fund

(2) The Chief Executive Officer shall promptly give the Minister such records and information related to the Guarantee Fund as the Minister requests.

No notice to individual

(3) Any collection by the Minister of personal information under subsection (1) is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*.

Securing Pension Benefits Now and for the Future Act, 2010

6 (1) Subsection 1 (10) of the *Securing Pension Benefits Now and for the Future Act, 2010* is repealed.

(2) Subsection 49 (2) of the Act is repealed.

Commencement

7 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Subsections 1 (1) and (3) and sections 2 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsections 1 (2) and (4) come into force on the day subsection 3 (3) of the *Not-for-Profit Corporations Act, 2010* comes into force.

SCHEDULE 49
PERSONAL PROPERTY SECURITY ACT

1 (1) The definition of “chattel paper” in subsection 1 (1) of the *Personal Property Security Act* is amended by striking out “writing” and substituting “record”.

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

“electronic chattel paper” means chattel paper created, recorded, transmitted or stored in digital form or other intangible form by electronic, magnetic or optical means; (“acte mobilier électronique”)

“tangible chattel paper” means chattel paper evidenced by a record or records consisting of information inscribed on a tangible medium; (“acte mobilier matériel”)

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

Same, electronic chattel paper

(3) For the purposes of this Act, a secured party has control of electronic chattel paper if the record comprising the chattel paper is created, stored and transferred in a manner so that,

- (a) a single authoritative record of the electronic chattel paper exists that is unique, identifiable and, except as otherwise provided in clauses (d), (e), and (f), unalterable;
- (b) the authoritative record identifies the secured party as the transferee of the record;
- (c) the authoritative record is communicated to and securely maintained by the secured party or the party’s designated custodian;
- (d) copies of or amendments to the authoritative record that add or change an identified transferee of the authoritative record can be made only with the consent of the secured party;
- (e) each copy of the authoritative record and any copy of a copy is readily identifiable as a copy that is not the authoritative record; and
- (f) any amendment of the authoritative record is readily identifiable as to whether it is authorized or unauthorized.

Same, not possession

(4) Despite subsection 8 (1) of the *Electronic Commerce Act, 2000*, control of an electronic document, other than electronic chattel paper, does not constitute possession or control of the original document for the purposes of this Act.

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

Conflict of laws, location of collateral

(1) Except as otherwise provided in this Act, the validity, perfection and effect of perfection or non-perfection of the following security interests shall be governed by the law of the jurisdiction where the collateral is situated at the time the security interest attaches:

1. A security interest in goods.
2. A possessory security interest in an instrument, a negotiable document of title, money or tangible chattel paper.

3 Subsection 7 (1) of the Act is repealed and the following substituted:

Conflict of laws, location of debtor

(1) The validity, the perfection, the effect of perfection or non-perfection, and the priority of the following security interests shall be governed by the law of the jurisdiction where the debtor is located at the time the security interest attaches:

1. A security interest in an intangible.
2. A security interest in goods that are of a type that are normally used in more than one jurisdiction, if the goods are equipment or inventory leased or held for lease by a debtor to others.
3. A security interest in electronic chattel paper.
4. A non-possessory security interest in an instrument, a negotiable document of title, money or tangible chattel paper.

4 (1) The English version of clause 11 (2) (c) of the Act is amended by striking out “or” at the end.

(2) The English version of clause 11 (2) (d) of the Act is amended by adding “of it” after “control” and by adding “or” at the end.

(3) Subsection 11 (2) of the Act is amended by adding the following clause:

- (e) the collateral is electronic chattel paper and the secured party has control of it under subsection 1 (3).

5 Clause 22 (1) (a) of the Act is repealed and the following substituted:

- (a) tangible chattel paper;

6 The Act is amended by adding the following section:

Perfection by control of electronic chattel paper

22.2 (1) A security interest in electronic chattel paper may be perfected by control of the collateral under subsection 1 (3).

Same

(2) A security interest in electronic chattel paper is perfected by control only when the secured party has control of it under subsection 1 (3).

7 Subsection 28 (3) of the Act is repealed and the following substituted:

Purchasers of chattel paper

(3) Subject to subsection (3.1), a purchaser of chattel paper has priority over any security interest in it if,

- (a) the purchaser, in the ordinary course of the purchaser's business and for new value,
 - (i) takes possession of the chattel paper if it is tangible chattel paper, or
 - (ii) obtains control of the chattel paper under subsection 1 (3) if it is electronic chattel paper; and
- (b) the chattel paper does not indicate that it has been assigned to an identified assignee other than the purchaser.

Exception

(3.1) If the rights arising out of tangible chattel paper are transferred to a purchaser as electronic chattel paper for new value and in the ordinary course of the purchaser's business and if the tangible chattel paper is transferred to another purchaser who takes possession of it for new value and in the ordinary course of that purchaser's business, the interest of the purchaser of the tangible chattel paper has priority over the interest of the purchaser of the electronic chattel paper if the tangible chattel paper does not indicate that it has been assigned to an identified assignee other than the purchaser of the tangible chattel paper.

8 Subsection 30 (1) of the Act is amended by adding the following paragraph:

- 3.1 Where priority is to be determined between perfected security interests in a prescribed class of collateral, priority shall be determined in accordance with the regulations.

9 Section 74.1 of the Act is repealed and the following substituted:

Regulations, Minister

74.1 (1) The Minister may make regulations,

- (a) governing registrations in respect of personal property that became the property of the Crown as a result of the dissolution of a corporation;
- (b) for the purposes of paragraph 3.1 of subsection 30 (1), prescribing classes of collateral and the priority rules that apply with respect to the classes;
- (c) providing for any transitional matter that, as a result of the coming into force of the amendments to this Act made by Schedule 49 to the *Protecting What Matters Most Act (Budget Measures), 2019*, the Minister considers necessary for the effective implementation of this Act or the regulations.

Same

(2) A regulation made under clause (1) (a) may specify provisions of this Act that do not apply in respect of registrations or may provide that specified provisions apply with necessary modifications.

Electronic Commerce Act, 2000

10 Subsection 8 (4) of the *Electronic Commerce Act, 2000* is repealed.

Commencement

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

SCHEDULE 50
PROVINCE OF ONTARIO SAVINGS OFFICE PRIVATIZATION ACT, 2002

1 Subsection 8 (4) of the *Province of Ontario Savings Office Privatization Act, 2002* is amended by striking out “Deposit Insurance Corporation of Ontario” and substituting “Financial Services Regulatory Authority of Ontario”.

Commencement

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

**SCHEDULE 51
PROVINCIAL OFFENCES ACT**

1 Section 30 of the *Provincial Offences Act* is amended by adding the following subsection:

When presiding justice appointed to another court

(6) A justice who is appointed to another court during a trial over which the justice is presiding continues to have jurisdiction to preside over the trial until its completion.

Commencement

2. This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 52
PTSD AWARENESS DAY ACT, 2019

Preamble

Posttraumatic stress disorder (PTSD) is an anxiety disorder that can occur after a person has experienced or witnessed a traumatic event. It causes intense fear, helplessness or extreme anxiety.

PTSD can affect anyone, regardless of socio-economic status, gender, age, nationality or vocation. However, first responders, military personnel, emergency personnel, correctional services workers, and victims and their families are particularly at risk.

PTSD has become a global health issue and its prevalence is gaining awareness. In Ontario, the *Workplace Safety and Insurance Act, 1997* specifies that for first responders and other designated workers, their PTSD is presumed to have arisen out of and in the course of their employment.

In 2010, the United States Congress designated June 27 in each year as National PTSD Awareness Day. Making a similar designation in Ontario can raise awareness for this disorder and help thousands of people in the province and beyond move past stigma, isolation and helplessness and towards resources, understanding and, ultimately, the road to recovery.

PTSD Awareness Day

1 June 27 in each year is proclaimed as PTSD Awareness Day.

Commencement

2 The Act set out in this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

Short title

3 The short title of the Act set out in this Schedule is the *PTSD Awareness Day Act, 2019*.

**SCHEDULE 53
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997**

1 (1) The definition of “health services integration” in section 2 of the *Public Sector Labour Relations Transition Act, 1997* is repealed.

(2) The definition of “predecessor employer” in section 2 of the Act is amended by striking out “9”.

(3) The definition of “successor employer” in section 2 of the Act is amended by striking out “9”.

2 Section 8 of the Act is repealed and the following substituted:

Health service providers

8 (1) This Act applies upon,

- (a) the amalgamation of two or more health service providers; and
- (b) the transfer of all, or substantially all, of the assets of one health service provider to another health service provider.

Predecessor and successor employers

(2) For the purposes of this Act,

- (a) for the event described in clause (1) (a), the health service providers that are amalgamated are the predecessor employers and the health service provider that exists when the amalgamation takes effect is the successor employer; and
- (b) for the event described in clause (1) (b), the health service provider from which the assets are transferred is the predecessor employer and the health service provider to which the assets are transferred is the successor employer.

Changeover date

(3) For the purposes of this Act,

- (a) for the event described in clause (1) (a), the changeover date is the date on which the amalgamation takes effect; and
- (b) for the event described in clause (1) (b), the changeover date is the date on which transfer takes effect.

Definition

(4) In this section,

“health service provider” has the same meaning as in subsection 2 (2) of the *Local Health System Integration Act, 2006*.

3 Section 9 of the Act is repealed.

4 Subsection 12 (2) of the Act is repealed and the following substituted:

Exception

(2) Section 36 does not apply with respect to an event to which this Act applies in accordance with sections 3 to 10.

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

Labour Relations Act, 1995

(1) Subject to subsection (2), section 69 of the *Labour Relations Act, 1995* does not apply with respect to an event to which this Act applies in accordance with sections 3 to 10.

6 (1) Subsection 40 (3.1) of the Act is repealed and the following substituted:

Same

(3.1) Without limiting the generality of clause (1) (c), a regulation made under clause (1) (c) may prescribe the Crown for the purposes of clause 12 (1) (d).

(2) Section 40 of the Act is amended by adding the following subsections:

Transitional regulations

(7) The Lieutenant Governor in Council may make regulations providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments made by Schedule 53 to the *Protecting What Matters Most Act (Budget Measures), 2019*.

Conflict with transitional regulations

(8) In the event of a conflict between this Act and a regulation made under subsection (7), the regulation prevails.

Local Health System Integration Act, 2006

7 Section 32 of the *Local Health System Integration Act, 2006* is repealed.

Pay Equity Act

8 Section 13.2 of the *Pay Equity Act* is repealed.

The People's Health Care Act, 2019 - Bill 74

9 (1) This section applies only if Bill 74 (*The People's Health Care Act, 2019*), introduced on February 26, 2019 receives Royal Assent.

(2) References in this section to provisions of Bill 74 are references to those provisions as they were numbered in the first reading version of the Bill.

(3) On the later of the day this section comes into force and the day Bill 74 receives Royal Assent, section 38 of Schedule 1 (*Connecting Care Act, 2019*) to Bill 74 is repealed.

(4) On the later of the day this section comes into force and the day subsection 1 (1) of Schedule 1 to Bill 74 comes into force, the definition of "health service provider" in subsection 8 (4) of the *Public Sector Labour Relations Transition Act, 1997*, as enacted by section 2 of this Schedule, is repealed and the following substituted:

"health service provider" means either,

- (a) a health service provider within the meaning of subsection 2 (2) of the *Local Health Services Integration Act, 2006*, or
- (b) a health service provider within the meaning of subsection 1 (2) of the *Connecting Care Act, 2019*.

(5) On the later of the day this section comes into force and the day subsection 2 (2) of the *Local Health System Integration Act, 2006* is repealed under subsection 11 (2) of Schedule 3 to Bill 74, the definition of "health service provider" in subsection 8 (4) of the *Public Sector Labour Relations Transition Act, 1997*, as re-enacted by subsection (4) of this section, is repealed and the following substituted:

"health service provider" means a health service provider within the meaning of subsection 1 (2) of the *Connecting Care Act, 2019*.

Commencement

10 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 54
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT**

1 Part XV of the *Public Transportation and Highway Improvement Act* is amended by adding the following section:

Inspectors

95 (1) The Minister may appoint one or more persons as inspectors for the purposes of inspecting, auditing, examining, assessing and evaluating transit infrastructure assets held by or on behalf of the Toronto Transit Commission or the City of Toronto.

Powers of inspectors

- (2) An inspector conducting an inspection for the purposes referred to in subsection (1) may, without a warrant,
- (a) enter any premises of the City of Toronto or the Toronto Transit Commission;
 - (b) enter any premises where any transit infrastructure asset is kept;
 - (c) examine any transit infrastructure asset;
 - (d) demand the production for inspection of a transit infrastructure asset;
 - (e) remove for examination, testing, review or copying, a transit infrastructure asset;
 - (f) observe any activities of an employee, officer or agent of the City of Toronto or Toronto Transit Commission;
 - (g) question a person;
 - (h) take photographs or make any other kind of recording;
 - (i) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
 - (j) carry out any examination, test, audit or investigation;
 - (k) require that a workplace or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination or test; and
 - (l) require that any equipment, machine, device, article, thing or process be operated or set in motion or that a system or procedure be carried out.

Dwellings

(3) The power to enter and inspect a place shall not be exercised to enter and inspect a part of the place that is used as a dwelling without the consent of the occupier.

Time of entry

- (4) The power to enter and inspect a place shall be exercised,
- (a) during the regular business hours of the place;
 - (b) if a place does not have regular business hours, at any time the place is open for business; or
 - (c) at any other time, upon giving two days notice.

Facilitation of inspection

(5) The City of Toronto and the Toronto Transit Commission shall facilitate the exercise of the inspector's powers under subsections (2) and (4).

Obligation to produce and assist

(6) If an inspector demands that a transit infrastructure asset be produced for inspection, the person who has custody of the transit infrastructure asset shall produce it within the time period specified by the inspector and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret it or to produce it in a readable form.

Obstruction

(7) No person shall hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with information, on matters relevant to the inspection, that the person knows to be false or misleading.

Court order

(8) If it appears to the Minister that the City of Toronto or the Toronto Transit Commission is not complying with a request from the inspector, the Minister may apply to the Superior Court of Justice for an order directing the City of Toronto or the

Toronto Transit Commission to comply with the inspector's request, and, upon the application, the court may make the order that the court thinks fit.

Definition

(9) In this section,

“transit infrastructure asset” includes all real and personal property, including structures, equipment and intellectual property, and any records, information, data or other things related to the provision of transit services by the Toronto Transit Commission and the City of Toronto.

Commencement

2 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 55
SECURITIES ACT**

1 The definition of “distribution” in subsection 1 (1) of the *Securities Act* is amended by striking out “on and after the 15th day of March, 1981, includes a distribution as referred to in subsections 72 (4), (5), (6) and (7), and” in the portion after clause (f).

2 Section 2.1 of the Act is amended by adding the following paragraph:

7. Innovation in Ontario’s capital markets should be facilitated.

3 Section 3.4 of the Act is amended by adding the following subsection:

Non-application of *Fines and Forfeitures Act*, designation under subs. (2) (b)

(2.2) Subsection 2 (2) of the *Fines and Forfeitures Act* does not apply to a fine recovered for a contravention of Ontario securities law or Ontario commodity futures law that is designated in accordance with clause (2) (b).

4 The English version of subsection 29 (3) of the Act is amended by striking out “registered advisor” and substituting “registered adviser”.

5 Paragraph 7 of subsection 143.2 (2) of the Act is repealed and the following substituted:

7. A qualitative and quantitative analysis of the anticipated costs and benefits of the proposed rule.

Commencement

6 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 56
SIMPLER, FASTER, BETTER SERVICES ACT, 2019**

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Schedule	Broader public sector organizations

Preamble

The Government of Ontario is committed to placing people at the centre of every government program, service, process and policy and to delivering simpler, faster and more easily accessible services for the people, communities and businesses of Ontario today and in the future.

Purpose of the Act

1 The purpose of this Act is to promote the transformation of government services in Ontario and their delivery in order to allow for,

- (a) access by Ontarians to high-quality digital services from anywhere and at any time;
- (b) digital services that are well designed and operate effectively;
- (c) better access to useful government data by Ontarians; and
- (d) the best use of digital resources and data by broader public sector organizations to develop and implement policies, programs and services.

Definitions

2 (1) In this Act,

“broader public sector organization” means,

- (a) a public sector organization,
- (b) an organization referred to in the Schedule to this Act, subject to a regulation made under subsection (2), and
- (c) an organization prescribed by the regulations made under subsection (2); (“organisme du secteur parapublic”)

“digital services” means mechanisms that facilitate the provision of a good or a service by means of the internet or other technology, including through the exchange of information; (“services numériques”)

“public sector organization” means,

- (a) a ministry of the Government of Ontario, and
- (b) a public body as defined in subsection 2 (1) of the *Public Service of Ontario Act, 2006*. (“organisme du secteur public”)

Regulations

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

- (a) providing that an organization referred to in the Schedule to this Act is not a broader public sector organization for the purposes of this Act;
- (b) prescribing additional organizations as broader public sector organizations for the purposes of this Act.

Chief Digital and Data Officer

3 (1) The Minister responsible for the administration of this Act may appoint a Deputy Minister or a public servant employed under Part III of the *Public Service of Ontario Act, 2006* as the Chief Digital and Data Officer.

Functions

- (2) The Chief Digital and Data Officer shall,
- (a) promote the development and implementation of digital services in connection with programs and services offered by public sector organizations;
 - (b) provide advice to broader public sector organizations on the development and implementation of digital services;
 - (c) assess the design, development and effectiveness of digital services used by a public sector organization.
 - (d) promote the use of data and effective data management by broader public sector organizations by providing advice to them on,
 - (i) the collection, management and use of data as it relates to the provision of services,
 - (ii) the use of common tools and digital platforms,
 - (iii) the effective use of data in the development of their policies, programs and services;
 - (e) promote the proactive publication of data by broader public sector organizations;
 - (f) promote the engagement of the public in the design, development and implementation of digital services and with respect to the publication of data by broader public sector organizations; and
 - (g) perform any other function provided for in this Act and any other function assigned to the Chief Digital and Data Officer by the Management Board of Cabinet respecting digital services and data management.

Digital and data action plan

- (3) The Chief Digital and Data Officer shall establish a digital and data action plan that may include the following elements:
1. Initiatives to identify and recommend changes to services provided by public sector organizations respecting the use of digital services.
 2. Initiatives to integrate digital services into the services provided by public sector organizations.
 3. Initiatives to promote,
 - i. effective data management and data sharing across public sector organizations,
 - ii. the use of technology by public sector organizations that is scalable and interoperable, and
 - iii. the availability of government data in useful forms.
 4. Targets and indicators to measure the plan's effectiveness.

Review of action plan

- (4) The Chief Digital and Data Officer shall review the digital and data action plan and make any changes that the Chief Digital and Data Officer's considers appropriate at least once every three years.

Plan to be public

- (5) The Chief Digital and Data Officer shall ensure that the digital and data action plan and any subsequent revised plan is published on a website of the Government of Ontario.

Standards

- 4** (1) The Chief Digital and Data Officer shall, subject to the approval of the Management Board of Cabinet, establish standards respecting digital services and standards for open data for use by public sector organizations.

Digital services standards

- (2) The standards respecting digital services may govern any matter respecting digital services as they pertain to public sector organizations, including,
- (a) requirements for the development of digital services;
 - (b) requirements for the provision of programs and services by means of digital services;
 - (c) requirements respecting the technology to be used in the development and provision of digital services;
 - (d) measures for evaluating the effectiveness of digital services;
 - (e) requirements to report publicly on the development and evaluation of digital services; and
 - (f) requirements for the collection, management and use of data as part of the development and provision of digital services.

Open data standards

(3) The standards for open data may govern any matter respecting the publication of data by public sector organizations, including,

- (a) requirements to make specified datasets publicly available;
- (b) requirements respecting the format of datasets, technical standards for datasets and the frequency at which and the manner by which datasets are to be made public;
- (c) requirements to make available specified information about a dataset that has been made publicly available;
- (d) the terms by which a public sector organization shall grant licenses for use of the datasets it publishes; and
- (e) requirements to report publicly on the public availability of data.

Compliance with standards

(4) A public sector organization shall comply with the standards respecting digital services and the standards for open data.

Part III of the *Legislation Act, 2006*

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the standards respecting digital services and the standards for open data.

Regulations, certain broader public sector organization

(6) The Lieutenant Governor in Council may make regulations that apply to an organization referred to in clause (b) or (c) of the definition of “broader public sector organization” in subsection 2 (1) respecting,

- (a) digital services as they pertain to the organization; and
- (b) the publication of data by the organization.

Same

(7) The regulations may deal with any of the same subject-matter that may be dealt with by the standards respecting digital services and the standards for open data.

Inventory of government datasets

(8) The Chief Digital and Data Officer shall maintain a list and description of all datasets in the possession of a public sector organization, including those datasets that are required by the standards for open data to be publicly available.

Public availability of standards, dataset inventory

(9) The Chief Digital and Data Officer shall publish on a website of the Government of Ontario,

- (a) all standards established under this section; and
- (b) the most recent version of the list of datasets and their description maintained under subsection (8), subject to subsection (10).

Restriction on publication

(10) The Chief Digital and Data Officer shall not publish information about a dataset if,

- (a) the disclosure of the information would result in the contravention of an Act of Ontario or Canada; or
- (b) the information relates to confidential law enforcement activities or other matters involving public safety or security.

Principles for public sector organizations

5 (1) In developing and using digital services, a public sector organization shall have regard to the following principles:

1. The design and implementation of digital services should be user-centred.
2. The potential users of digital services should be consulted about the design and implementation of digital services.
3. Services should not be available only through the use of digital services.
4. Digital services should be continuously evaluated and improved.
5. The most effective use of government data should be considered in the design, development and provision of digital services, including how the data may be made publicly accessible.
6. Digital services should include reasonable measures to protect the security and privacy of users’ personal information.
7. Digital services should be developed using scalable, interoperable and reusable technology platforms where available.

Same

(2) In managing data and making it publicly available, a public sector organization shall have regard to the following principles:

1. Data should be made available in formats that are readily accessible by the public, such as formats that are machine readable and capable of being accessed and searched using readily available technology.
2. Data that is published should generally be provided at no cost and any associated cost should be reasonable.
3. Data that is publicly available should be made available under reasonable terms that allow for its reuse by the public, including commercial and non-commercial use, wherever possible.
4. Data that is publicly available should be as accurate, complete and up-to-date as possible. However, public sector organizations should consider the value of making the data publicly available even where it is not yet complete and up-to-date if the data would eventually be made public by the organization once complete and up-to-date.
5. Public sector organizations should be proactive in making datasets publicly available.
6. Any decision not to make a particular dataset publicly available should be based on a reasonable assessment of the security or other concerns respecting disclosure.

Requirements of public sector organizations

6 (1) A public sector organization shall provide to the Chief Digital and Data Officer,

- (a) a list of datasets in the possession of the organization, along with a description of those datasets and, if a dataset is not publicly available, an explanation as to why it is not; and
- (b) any other information or records that the Officer may reasonably require to carry out the Officer's functions under this Act.

Compliance

(2) If the Chief Digital and Data Officer believes that a public sector organization is not in compliance with a provision of the standards respecting digital services or the standards for open data, the Officer may,

- (a) inform the organization of the non-compliance and provide it with direction on how to remedy the non-compliance; and
- (b) notify the Management Board of Cabinet of the non-compliance and provide the Board with information on how the public sector organization may remedy the non-compliance.

Reporting

7 (1) At the request of the Minister responsible for the administration of this Act, the Chief Digital and Data Officer shall provide the Minister with,

- (a) a summary of the work performed by the Chief Digital and Data Officer for a specified period of time; or
- (b) an assessment of a public sector organization's compliance with this Act and any standard made under section 4.

Documents publicly available

(2) The Chief Digital and Data Officer shall publish, on a website of the Government of Ontario, any summary or assessment provided to the Minister under subsection (1).

Amendments to this Act

8 Item 7 of the Schedule to this Act is repealed and the following substituted:

7. A health service provider within the meaning of the *Local Health System Integration Act, 2006*.
8. A community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017* that was formerly licensed under the *Private Hospitals Act* and that received public funds in the previous fiscal year of the Government of Ontario, other than funds paid in exchange for the provision of goods or services to the Government of Ontario or to a public body or provided by way of a loan or a loan guarantee.

Commencement

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

Short title

10 The short title of the Act set out in this Schedule is the *Simpler, Faster, Better Services Act, 2019*.

SCHEDULE
BROADER PUBLIC SECTOR ORGANIZATIONS

1. A municipality.
2. A local board as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*.
3. A board as defined in subsection 1 (1) of the *Education Act*.
4. A university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education or a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
5. A person described in clause (b), (c) or (d) of the definition of “service provider” in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*.
6. A local health integration network as defined in subsection 2 (1) of the *Local Health System Integration Act, 2006*.
7. A health service provider within the meaning of the *Local Health System Integration Act, 2006* other than a person that operates a private hospital within the meaning of the *Private Hospitals Act*, unless the person received public funds for the operation of the hospital in the previous fiscal year of the Government of Ontario, other than funds paid in exchange for the provision of goods or services to the Government of Ontario or to a public body or provided by way of a loan or a loan guarantee.

**SCHEDULE 57
TAXATION ACT, 2007**

1 (1) Subsection 84 (1) of the *Taxation Act, 2007* is amended by adding the following paragraph:

14.2 An Ontario childcare access and relief from expenses tax credit under section 103.0.2.

(2) Subsection 84 (2.1) of the Act is amended by adding the following paragraph:

1.2 The tax credit referred to in paragraph 14.2 of subsection (1), with respect to taxation years ending after December 31, 2018.

(3) Subsection 84 (3) of the Act is amended by striking out “14.1, 15” in the portion before clause (a) and substituting “14.1, 14.2, 15”.

2 Paragraph 2 of Subsection 93.2 (12) of the Act is repealed and the following substituted:

2. The corporation’s Ontario labour expenditure for the year in respect of eligible digital games is,
- i. for a taxation year that commenced prior to April 12, 2019, not less than \$1 million, or
 - ii. for a taxation year that commenced after April 11, 2019, not less than \$500,000.

3 The Act is amended by adding the following section:

Ontario childcare access and relief from expenses tax credit

Definitions

103.0.2 (1) In this section,

“adjusted income” of a taxpayer for a taxation year means the taxpayer’s income for the year, if that income were computed without reference to paragraphs 20 (1) (ww), 60 (v.1) and 60 (w) and section 63 of the Federal Act; (“revenu rajusté”)

“eligible child” of a taxpayer for a taxation year has the meaning assigned by subsection 63 (3) of the Federal Act; (“enfant admissible”)

“eligible child care expense” of a taxpayer for a taxation year means the total of all amounts, each of which is an amount of the deduction that the taxpayer may claim under subsection 63 (1) or (2.2) of the Federal Act in computing his or her income for the year; (“frais de garde d’enfants admissibles”)

“eligible individual” means, for a taxation year, a taxpayer who,

- (a) was resident in Ontario on the last day of the year, and
- (b) may claim an amount as a deduction under subsection 63 (1) or (2.2) of the Federal Act in computing his or her income for the year; (“particulier admissible”)

“family adjusted income” of a taxpayer for a taxation year means the greatest of all amounts each of which is the total adjusted income of the taxpayer for the year in respect of an eligible child of the taxpayer for the year; (“revenu familial rajusté”)

“supporting person” of an eligible child of a taxpayer for a taxation year means a person who,

- (a) was resident in Ontario on the last day of the year, and
- (b) is a supporting person of the child for the year within the meaning of subsection 63 (3) of the Federal Act; (“personne assumant les frais d’entretien”)

“total adjusted income” of a taxpayer for a taxation year, in respect of an eligible child of the taxpayer for the year, means the total of all amounts each of which is,

- (a) the adjusted income for the year of the taxpayer, or
- (b) the adjusted income for the year of a supporting person of the child for the year. (“revenu rajusté total”)

Amount of tax credit

(2) An individual who is an eligible individual for a taxation year ending after December 31, 2018 may claim an amount in respect of and not exceeding the amount of his or her Ontario childcare access and relief from expenses tax credit determined using the formula,

$$A \times B$$

in which,

“A” is the applicable rate of the individual for the year determined under subsection (3), and

“B” is the amount of the eligible child care expense of the individual for the year.

Applicable rate for the credit

(3) For the purposes of the definition of “A” in subsection (2), the applicable rate of an individual for a taxation year is determined in accordance with the following rules:

1. If the family adjusted income of the individual for the year does not exceed \$20,000, the applicable rate is 0.75.
2. If the family adjusted income of the individual for the year exceeds \$20,000 but does not exceed \$40,000, the applicable rate is calculated using the formula,

$$0.75 - C$$

in which,

“C” is 0.02 for each \$2,500 or part thereof by which the family adjusted income of the individual for the year exceeds \$20,000.

3. If the family adjusted income of the individual for the year exceeds \$40,000 but does not exceed \$60,000, the applicable rate is calculated using the formula,

$$0.59 - D$$

in which,

“D” is 0.02 for each \$5,000 or part thereof by which the family adjusted income of the individual for the year exceeds \$40,000.

4. If the family adjusted income of the individual for the year exceeds \$60,000, the applicable rate is calculated using the formula,

$$0.51 - E$$

in which,

“E” is 0.02 for each \$3,600 or part thereof by which the family adjusted income of the individual for the year exceeds \$60,000.

Bankruptcy

(4) The amount of an individual’s eligible child care expense for a taxation year is deemed to be nil if the individual was a bankrupt at any time in the year, unless the individual is granted an absolute discharge from bankruptcy before the end of the year.

4 Paragraph 1 of section 176 of the Act is amended by adding the following subparagraph:

xiv.ii The Ontario childcare access and relief from expenses tax credit under section 103.0.2.

Commencement

5 This Schedule is deemed to have come into force on January 1, 2019.

**SCHEDULE 58
TICKET SALES ACT, 2017**

1 (1) Subsection 2 (1) of the *Ticket Sales Act, 2017* is amended by striking out “to the ticket purchaser” in the portion before paragraph 1 and substituting “when the ticket is made available for sale”.

(2) Paragraph 1 of subsection 2 (1) of the Act is amended by adding “in writing” after “A guarantee” at the beginning.

(3) Paragraph 2 of subsection 2 (1) of the Act is amended by adding “in writing” after “A confirmation” at the beginning.

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

Exception

(2) If a person who facilitates the sale of a ticket on the secondary market complies with subsection (1) with respect to the sale, no other person is required to comply with that subsection with respect to the sale.

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

Disclosure before sale

- (1) A primary seller who makes tickets to an event available for sale shall publicly disclose, on its website or otherwise,
- (a) the maximum capacity for the event, as soon as the seller has the information and no later than the time at which the seller makes any tickets to the event available for sale;
 - (b) if the seller makes tickets to the event available for sale in batches, the following information for each batch, as soon as the seller has the information and no later than the time at which the seller first makes the batch available for sale:
 - (i) the date and time when the batch will be made available for sale,
 - (ii) the number of tickets in the batch, and
 - (iii) if the batch is not being made available for sale to the general public, the class or classes of persons that are eligible to purchase tickets from the batch;
 - (c) if the seller does not make tickets to the event available for sale in batches, the following information, as soon as the seller has the information and no later than the time at which the seller makes any tickets to the event available for sale:
 - (i) the date and time when the seller will make tickets to the event available for sale, and
 - (ii) the total number of tickets to the event that the seller will make available for sale; and
 - (d) all other prescribed information at the prescribed time.

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

Ongoing disclosure

(3) A primary seller who is required under subsection (1) to disclose information about an event to which the seller makes tickets available for sale shall ensure that the information continues to be disclosed in accordance with that subsection until the time at which the event takes place.

3 The following provisions of section 6 of the Act are amended by striking out “the total price of the ticket” wherever that expression appears and substituting in each case “the total price charged on the secondary sale of the ticket”:

1. Clause (2) (a).
2. Clause (3) (a).

4 (1) Subsection 8 (1) of the Act is repealed and the following substituted:

Disclosure of identity of secondary seller

(1) A secondary seller shall disclose the secondary seller’s name, location and contact information upon making a ticket available for sale except if an operator of a secondary ticketing platform that facilitates the sale of the ticket has provided the guarantee described in paragraph 1 of subsection 2 (1).

(2) Subsection 8 (2) of the Act is amended by adding “except if the operator has provided the guarantee described in paragraph 1 of subsection 2 (1)” at the end.

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

Inspection powers

(1) An inspector may, without a warrant, enter and inspect any place in order to ensure that this Act and the regulations are being complied with.

6 Subsection 16 (1) of the Act is repealed and the following substituted:

Appointment of investigators

(1) The Director may appoint persons to be investigators for the purposes of conducting investigations in order to ensure that this Act and the regulations are being complied with.

7 Clause 17 (1) (b) of the Act is amended by striking out “a provision referred to in subsection 14 (1)” in the portion before subclause (i) and substituting “a provision of this Act or the regulations”.

8 Subsection 23 (2) of the Act is amended by striking out “and the written reasons for making it” at the end and substituting “the written reasons for making it and the information required in a notice referred to in subsection 22 (3)”.

9 Subsection 30 (3) of the Act is amended by striking out “\$10,000” at the end and substituting “\$25,000”.

10 Subsection 35 (6) of the Act is repealed and the following substituted:

Limitation

(6) No proceeding under this section shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the Director.

11 (1) Clause 36 (a) of the Act is repealed and the following substituted:

- (a) governing any matter that this Act describes as being prescribed, done in accordance with the regulations or provided for in the regulations, other than a matter that this Act describes as being prescribed by the Minister or provided for in regulations made by the Minister;

(2) Clause 36 (b) of the Act is repealed and the following substituted:

- (b) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(3) Section 36 of the Act is amended by adding the following clauses:

- (d) requiring a person who sells a ticket to provide the ticket to the purchaser in paper form if the purchaser so requests and regulating the fees that the person can charge to the purchaser for a paper ticket;
- (e) prohibiting any person who makes tickets available for sale from limiting the transferability of the tickets or prescribing the manner or circumstances in which the person may limit the transferability of tickets made available for sale.

Commencement

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

(2) Subsection 11 (1) comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

**SCHEDULE 59
TOBACCO TAX ACT**

1 Subsection 1 (2) of the *Tobacco Tax Act* is amended by striking out “or harvests, cures, bales or packages” and substituting “or harvests or cures”.

2 (1) Subsection 2.2 (10) of the Act is repealed and the following substituted:

Duty to notify

- (10) A person who holds a registration certificate issued under this section shall promptly notify the Minister in writing of,
- (a) all changes in the name or nature of the person’s business;
 - (b) any change to the information provided to the Minister by the person under subsection (6) or (6.1); and
 - (c) the termination of the business.

Markers

(10.1) A person who is required to hold a registration certificate issued under this section or a registration certificate issued under section 7 shall retain and dispose of damaged or unused markers in accordance with any requirements set out in the regulations.

(2) Section 2.2 of the Act is amended by adding the following subsections:

Offence, subs. (10.1)

(16.3) Every person who contravenes subsection (10.1) is guilty of an offence and on conviction is liable to a fine of not less than \$10,000 and not more than \$100,000.

Penalty, subs. (10.1)

(16.4) Every person who contravenes subsection (10.1) shall pay to the Minister a penalty, when assessed for it, of an amount equal to,

- (a) \$7,500 if it is the person’s first penalty assessed under this subsection;
- (b) \$10,000 if it is the person’s second penalty assessed under this subsection; or
- (c) \$15,000 if the person has been assessed for a penalty under this subsection at least two times before.

(3) Subsection 2.2 (24) of the Act is amended by adding “and, in the case of a contravention of subsection (22), an additional fine of \$25 for every kilogram of raw leaf tobacco destroyed without notice in excess of 200 kilograms” at the end.

(4) Section 2.2 of the Act is amended by adding the following subsections:

Same, subs. (22)

(26) If the quantity of raw leaf tobacco destroyed without notice in contravention of subsection (22) is in excess of 40 kilograms, a person who has been assessed a penalty under subsection (25) may be assessed an additional penalty of \$25 for every kilogram of raw leaf tobacco destroyed without notice.

Assessment, raw leaf tobacco

(27) In assessing a penalty under subsection (26), the Minister may determine the mass of raw leaf tobacco in such a manner and form and by such procedure as the Minister considers adequate and expedient.

3 (1) Section 2.3 of the Act is amended by adding the following subsection:

Baling and packaging

(2.1) No person shall, in Ontario, bale or package raw leaf tobacco unless the person holds a registration certificate issued under section 2.2 or 7.

(2) Subsections 2.3 (13) and (14) of the Act are amended by adding “(2.1)” after “(2)” in the portion before clause (a).

(3) Clause 2.3 (14) (a) of the Act is amended by striking out “the person produced, processed, sold, offered or kept for sale, delivered or caused to be delivered, purchased or received, brought into or caused to be brought into Ontario, took out or caused to be taken out of Ontario or transported in contravention of subsection (1), (2), (3), (4), (5), (6), (7), (8), (9) or (10), as the case may be” and substituting “in respect of which the person was assessed a penalty”.

4 The Act is amended by adding the following section:

Conditions on registration certificates, permits

10.1 (1) The Minister may at any time,

- (a) amend or remove a condition or restriction imposed on a registration certificate or permit issued under this Act or the regulations; and
- (b) impose such other reasonable conditions or restrictions on a registration certificate or permit issued under this Act or the regulations as the Minister considers appropriate.

Notice and hearing

(2) The Minister shall,

- (a) notify the holder of the registration certificate or permit in writing of any imposition, removal or amendment of a condition or restriction; and
- (b) in the case of the imposition or amendment of a condition or restriction, afford the person the opportunity to appear before the Minister to show cause why the condition or restriction should not be imposed or amended.

Service of notice

(3) A notice under this section is properly served by personal service or by registered mail sent to the last known address of the person.

Conditions take effect upon notice

(4) The imposition or amendment of a condition or restriction takes effect immediately upon the person's receipt of the notice and is not stayed by a request to appear before the Minister.

5 Subsection 12 (1) of the Act is repealed and the following substituted:

Information and security

- (1) The Minister may demand information from any person for the purposes of,
 - (a) evaluating the suitability of a person,
 - (i) to be designated as a collector,
 - (ii) to be issued a registration certificate or permit under this Act or the regulations, or
 - (iii) to continue to hold such a certificate or permit; and
 - (b) determining whether to impose a condition or restriction on such a registration certificate or permit or to amend or remove a condition or restriction.

6 Section 32 of the Act is amended by adding the following subsection:

Exception for registration certificate applications

- (4.0.1) The Minister may permit a copy of any record or information obtained under this Act to be disclosed if,
 - (a) the disclosure is necessary to verify information provided to the Minister as part of an application for a registration certificate issued under section 2.2; and
 - (b) the applicant for the certificate has been notified of the potential disclosure.

Commencement

7 This Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

SCHEDULE 60
TRIBUNAL ADJUDICATIVE RECORDS ACT, 2019

Interpretation

1 (1) In this Act,

“adjudicative record” means a record referred to in subsection (2); (“document décisionnel”)

“confidentiality order” means an order made by a tribunal under subsection 2 (2); (“ordonnance de confidentialité”)

“tribunal” means an adjudicative tribunal prescribed by the regulations made under this Act. (“tribunal”)

Adjudicative records

(2) Subject to subsection (3), the following are adjudicative records for the purposes of this Act:

1. An application or other document by which a proceeding before a tribunal is commenced.
2. A notice of a hearing before a tribunal.
3. A written submission filed with a tribunal in respect of a proceeding before the tribunal.
4. A document that has been admitted as evidence at a hearing of a tribunal or otherwise relied upon by a tribunal in making a decision or an order.
5. A transcript of oral evidence given at a hearing of a tribunal.
6. A decision or an order made by a tribunal and any reasons for the decision or order.
7. A docket or schedule of hearings of a tribunal.
8. A register of proceedings before a tribunal.
9. Any other record that relates to a proceeding before a tribunal and that is prescribed by the regulations made under this Act.

Excluded records

(3) The following are not adjudicative records for the purposes of this Act:

1. Personal notes, draft decisions, draft orders and communications related to draft decisions or draft orders that are created by or for a member of a tribunal in connection with a proceeding before the tribunal in which the member is presiding.
2. Personal notes created by or for a person appointed by a tribunal to help resolve a matter in a proceeding before the tribunal by means of an alternative dispute resolution mechanism.
3. Records related to any attempt to resolve a matter in a proceeding before a tribunal by means of an alternative dispute resolution mechanism, unless the record forms part of a decision or an order of the tribunal.

Disposal of records

(4) Nothing in this Act shall be interpreted as restricting a tribunal from disposing of any of its adjudicative records in accordance with its usual practices.

Adjudicative records public

2 (1) A tribunal shall make those adjudicative records in its possession that relate to proceedings commenced on or after the day this section comes into force available to the public in accordance with this Act, including any rules made under section 3.

Confidentiality orders

(2) A tribunal may, of its own motion or on the application of a person referred to in subsection (3), order that an adjudicative record or portion of an adjudicative record be treated as confidential and that it not be disclosed to the public if the tribunal determines that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters contained in the record are of such a nature that the public interest or the interest of a person served by avoiding disclosure outweighs the desirability of adhering to the principle that the record be available to the public.

Who may apply

(3) The following persons may apply to the tribunal for a confidentiality order in respect of an adjudicative record:

1. A party to a proceeding to which the adjudicative record relates.

2. A person who would be affected by the disclosure of the information contained in the adjudicative record or a portion of the adjudicative record.

Scope of order

(4) A confidentiality order may apply to adjudicative records regardless of when the proceeding to which they relate was commenced.

Rules

3 (1) A tribunal may make rules governing procedures for providing access to adjudicative records and for obtaining a confidentiality order.

Legislation Act, 2006, Part III

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to any rules made under this section.

Public access to rules

(3) A tribunal shall make any rules made under this section available to the public in English and in French.

Power to set, charge fees

4 A tribunal may, subject to the approval of the minister responsible for the administration of the part of this Act that establishes the tribunal, set and charge fees for providing access to adjudicative records.

Enforcement of confidentiality orders

5 (1) A certified copy of a confidentiality order may be filed in the Superior Court of Justice by,

- (a) the tribunal that made the order;
- (b) a party to a proceeding to which the order relates; or
- (c) a person who would be affected by the disclosure of the information contained in an adjudicative record or portion of an adjudicative record that is to be treated as confidential in accordance with the order.

Same

(2) On filing in the Superior Court of Justice, the confidentiality order shall be enforceable as if it were an order of that court.

Notice of filing

(3) A party or a person referred to in clause (1) (c) who files a confidentiality order shall notify the tribunal that made it within 10 days after the filing.

Protection from personal liability

6 (1) No action or other proceeding may be commenced against a member or an employee of a tribunal for an act or omission done or omitted by the member or the employee in good faith in the execution or intended execution of any duty or power under this Act.

Crown liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject.

Conflict

7 In the event of a conflict between a provision of this Act and a provision of any other Act or a regulation made under another Act, the provision of this Act prevails unless the regulations made under this Act provide otherwise.

Regulations

8 The Lieutenant Governor in Council may make regulations,

- (a) prescribing adjudicative tribunals for the purposes of the definition of “tribunal” in subsection 1 (1);
- (b) prescribing additional records for the purposes of subsection 1 (2);
- (c) providing that a provision of another Act or of a regulation made under another Act prevails over a provision of this Act in the event of a conflict.

Amendment to FIPPA

9 **Section 65 of the *Freedom of Information and Protection of Privacy Act* is amended by adding the following subsections:**

Same

(3.1) This Act does not apply to personal notes, draft decisions, draft orders and communications related to draft decisions or draft orders that are created by or for a person who is acting in a quasi-judicial capacity.

Adjudicative records

(16) This Act does not apply to adjudicative records, within the meaning of the *Tribunal Adjudicative Records Act, 2019*, referred to in subsection 2 (1) of that Act.

Commencement

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

Short title

11 The short title of the Act set out in this Schedule is the *Tribunal Adjudicative Records Act, 2019*.

**SCHEDULE 61
VITAL STATISTICS ACT**

1 The definition of “religious body” in section 1 of the *Vital Statistics Act* is repealed.

2 Subsections 3 (4) and (5) of the Act are repealed and the following substituted:

Publication by Registrar General

(4) The Registrar General may collate, publish and distribute the statistical information that the Registrar General considers to be necessary and in the public interest and that relates to the births, marriages, deaths, still-births, adoptions and changes of name registered during the period that the Registrar General determines.

Same, annual report

(5) After the end of each calendar year, the Registrar General shall publish, in a manner that the Registrar General considers appropriate, a report as to the number of births, marriages, deaths, still-births, adoptions and changes of name registered during the calendar year preceding the one that has ended.

3 Subsection 34 (1) of the Act is amended by striking out “supplemented by a statutory declaration in the prescribed form”.

4 Subsection 48.13 (11) of the Act is amended by striking out “clause 60 (1) (y), (z) or (z.1)” and substituting “clause 60 (1) (m), (n) or (o)”.

5 (1) Clauses 60 (1) (a) to (i.6) of the Act are repealed and the following substituted:

- (a) providing for different systems of registration, other than the uniform system mentioned in subsection 2 (1), that shall be used in the part or parts of the province for the period of time that is specified in the regulations;
- (b) prescribing registrations and records to be transferred under section 5 (transfer to the Archives of Ontario);
- (c) providing for the appointment of division registrars;
- (d) prescribing the fees to be paid for anything done or permitted to be done under this Act, other than for services provided by the Registrar General, and providing for the waiver of payment of those fees in favour of any person or class of persons;
- (e) adopting by reference, in whole or in part, and with changes that the Lieutenant Governor in Council considers necessary, any classification of diseases for the purposes of this Act;
- (f) prescribing the matters that are described in sections 8 and 9, subsections 21 (5) and (6) and sections 22 and 26 as being prescribed or as being described or set out in the regulations in relation to any notice, certification or other documentation mentioned in those provisions, including the persons who are to comply with those provisions and the time limits for and manner of compliance;
- (g) prescribing persons for the purposes of the definition of “birth parent” in section 1;
- (h) respecting the rules that apply where an adopted person or birth parent has submitted more than one notice under sections 48.3 and 48.4 or one such notice and a disclosure veto under section 48.5, or any other combination of such documents, including providing whether a notice or disclosure veto prevails and terminating the effect of a notice or of a disclosure veto;
- (i) governing the disclosure of information in relation to adoption in situations where an individual has been the subject of more than one registered adoption order, including providing that all or part of sections 48.1, 48.2, 48.3, 48.4 and 48.5 do not apply to an adopted person or a birth parent or classes of adopted persons or birth parents;

(2) Clauses 60 (1) (k) to (z.1) of the Act are repealed and the following substituted:

- (k) designating any agency, board, commission, corporation or other body, inside or outside Canada, as an institution for the purposes of section 48.13 or 53.1;
- (l) prescribing requirements for the purposes of clause 48.13 (2) (c);
- (m) governing the use that institutions that obtain information under section 48.13 may make of the information so obtained, subject to subsection 48.13 (6);
- (n) requiring institutions that obtain information under section 48.13 to retain or destroy the information;
- (o) specifying terms and conditions that shall be included in an agreement mentioned in clause 48.13 (2) (d) where the terms and conditions govern the use that an institution may make of information obtained under section 48.13 subject to subsection 48.13 (6) or require such an institution to retain or destroy the information.

(3) Subsection 60 (3) of the Act is amended by striking out “clause (1) (v)” and substituting “clause (1) (e)”.

(4) Subsections 60 (4) and (5) of the Act are repealed.

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

Regulations of Registrar General

61 The Registrar General may make regulations,

- (a) specifying what constitutes an error in a registration under this Act that subsection 34 (1) authorizes the Registrar General to correct;
- (b) specifying the time period during which the Registrar General, for the purpose of subsection 34 (1), will accept a statutory declaration as evidence for correcting an error in a registration under this Act, governing requirements for the statutory declaration and specifying conditions that apply to the operation of a regulation made under this clause;
- (c) governing the evidence that subsection 34 (1) requires to establish that an error has been made in a registration made under this Act.

(2) Section 61 of the Act, as enacted by subsection (1), is repealed and the following substituted:

Regulations of Registrar General

61 The Registrar General may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing the system of filing of registrations;
- (c) prescribing the particulars of registrations to be entered in the indexes;
- (d) prescribing the powers and duties of division registrars;
- (e) prescribing the records that division registrars are required to keep;
- (f) prescribing the information and returns that division registrars are required to transmit to the Registrar General and fixing the times for so transmitting them;
- (g) fixing the times when division registrars are required to forward registrations to the Registrar General;
- (h) prescribing the duties of sub-registrars and the returns that they are required to make;
- (i) prescribing the matters that are described in subsection 10 (4), section 19, subsections 21 (1), (2), (3) and (4), 31 (1), (1.1), (8), (8.1), (9), (12) and (13) and 31.1 (1), (2), (6), (7), (8), (9) and (10) as being prescribed or as being described or set out in the regulations in relation to any notice, certification or other documentation mentioned in those provisions, including the persons who are to comply with those provisions and the time limits for and manner of compliance;
- (j) requiring that the information set out in the regulations be given by way of statutory declaration;
- (k) requiring medical examinations for deserted new-born children and abandoned children for the purposes of assisting in the registration of their birth;
- (l) governing the registration of still-births for the purposes of section 9.1, including providing provisions of this Act that apply, with necessary modification, to the registration of still-births;
- (m) prescribing who may be a guarantor;
- (n) prescribing the evidence on which the Registrar General may register a birth, still-birth, marriage or death after one year from the date of it;
- (o) providing for the registration of births, marriages, deaths, still-births, adoptions or changes of name in cases not otherwise provided for in this Act;
- (p) requiring the persons in charge of hospitals to make returns of the births of all children born in the hospitals;
- (q) specifying what constitutes an error in a registration under this Act that subsection 34 (1) authorizes the Registrar General to correct;
- (r) specifying the time period during which the Registrar General, for the purpose of subsection 34 (1), will accept a statutory declaration as evidence for correcting an error in a registration under this Act, governing requirements for the statutory declaration and specifying conditions that apply to the operation of a regulation made under this clause;
- (s) governing the evidence that subsection 34 (1) requires to establish that an error has been made in a registration made under this Act;
- (t) providing for the correction or amendment of any registration in situations not otherwise provided for in this Act;
- (u) permitting the Registrar General to issue certificates that include the particulars listed in subsection 43 (1) and the additional particulars listed in the regulations;

- (v) specifying which provisions of this Act and the regulations apply and do not apply to the certificates described in clause (u) and limiting the number of those certificates that the Registrar General is permitted to issue;
- (w) prescribing persons for the purposes of section 40 and subsection 53 (1);
- (x) prescribing information and documents for the purposes of paragraph 3 of subsection 45.1 (1);
- (y) prescribing registrations to which subsections 51.1 (1) and (2) apply.

Red Tape Reduction Act, 1998

7 Subsections 303 (3) and (4) of Schedule E to the *Red Tape Reduction Act, 1998* are repealed.

Commencement

8 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting What Matters Most Act (Budget Measures), 2019* receives Royal Assent.

(2) Sections 4 and 5 and subsection 6 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.