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Bill 69

(Chapter 5 of the Statutes of Ontario, 2023)

An Act to amend various Acts with respect to infrastructure

The Hon. K. Surma
Minister of Infrastructure

1st Reading	February 27, 2023
2nd Reading	March 6, 2023
3rd Reading	April 25, 2023
Royal Assent	May 18, 2023



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 69 and does not form part of the law.
Bill 69 has been enacted as Chapter 5 of the Statutes of Ontario, 2023.*

SCHEDULE 1 ENVIRONMENTAL ASSESSMENT ACT

Subsection 15.1.1 (5) of the *Environmental Assessment Act* prohibits persons from proceeding with certain undertakings until a specified number of days have passed following the end of the comment period for each undertaking. The Schedule amends section 15.1.1 to permit the Minister to make an order that subsection 15.1.1 (5) ceases to apply to an undertaking. An order may only be made after the end of the comment period.

Subsections 15.1 (2), 15.1.1 (8) and 16.1 (14), which are spent transitional provisions relating to notices issued in 2020, are repealed.

SCHEDULE 2 MINISTRY OF INFRASTRUCTURE ACT, 2011

Section 11.0.1 is added to the *Ministry of Infrastructure Act, 2011*. An entity prescribed by the Minister for the purpose of that section is not entitled to hold or control, or acquire by purchase, lease or otherwise, any land, buildings or structures, any interests in land, buildings or structures or any fixtures or interests in fixtures installed or placed in or used in connection with land, buildings or structures. Any such interests are deemed to vest in the Crown and to be under the control of the Minister of Infrastructure on the day on which a regulation prescribing the entity comes into force.

Section 22 of the Act sets out regulation-making powers for the Minister and for the Lieutenant Governor in Council in connection with the new section 11.0.1. Among other things, the regulations may relate to agreements with respect to interests in land, buildings and structures, including agreements that have been entered into. A regulation made by the Lieutenant Governor in Council may be retroactive.

Complementary amendments are made to several statutes. Those amendments provide that the ability of certain entities to hold interests in land, buildings and structures is subject to limits imposed by the new section 11.0.1 of the *Ministry of Infrastructure Act, 2011*.

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His 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) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

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

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

Short title

3 The short title of this Act is the *Reducing Inefficiencies Act (Infrastructure Statute Law Amendments), 2023*.

**SCHEDULE 1
ENVIRONMENTAL ASSESSMENT ACT**

1 Subsection 15.1 (2) of the *Environmental Assessment Act* is repealed.

2 (1) Section 15.1.1 of the Act is amended by adding the following subsections:

Same, non-application

(5.1) Subject to any prescribed limitations, the Minister may, by order, provide that subsection (5) ceases to apply to an undertaking immediately, or on a date specified in the order.

Same

(5.2) An order under subsection (5.1) may only be made after the end of the comment period referred to in subsection (5), as that comment period may be extended.

Same

(5.3) An order made under subsection (5.1) with respect to an undertaking does not apply to a change to the undertaking and, for greater certainty, subsection (10) applies to the change and the Minister may make an order under subsection (5.1) with respect to the change.

(2) Subsection 15.1.1 (8) of the Act is repealed.

3 Subsection 16.1 (14) of the Act is repealed.

Commencement

4 This Schedule comes into force on the day the *Reducing Inefficiencies Act (Infrastructure Statute Law Amendments)*, 2023 receives Royal Assent.

SCHEDULE 2
MINISTRY OF INFRASTRUCTURE ACT, 2011

1 The *Ministry of Infrastructure Act, 2011* is amended by adding the following section:

Prescribed entities not to hold interests in land, etc.

Application

11.0.1 (1) This section applies with respect to the entities prescribed in the regulations made by the Minister for the purposes of this section.

No authority to hold interests in land, etc.

(2) Despite anything in any other Act or in any regulation, other than a regulation under section 22, a prescribed entity shall not hold or control, or acquire by purchase, lease or otherwise, any,

- (a) land, buildings or structures;
- (b) interests in land, buildings or structures; or
- (c) fixtures or interests in fixtures installed or placed in or used in connection with land, buildings or structures.

Transition, deemed vesting in Crown

(3) On the day on which a regulation prescribing an entity for the purposes of this section comes into force, any land, buildings or structures, any interests in land, buildings or structures and any fixtures or interests in fixtures installed or placed in or used in connection with land, buildings or structures that belonged to the entity immediately before the regulation came into force are deemed to vest in the Crown and to be under the Minister's control.

No expropriation or injurious affection

(4) Nothing done or not done in accordance with this section or a regulation made under section 22 constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Acquiring property for use of prescribed entity

(5) Without limiting the generality of section 9, if the Minister acquires, by purchase, lease or otherwise, land, buildings or structures or interests in land, buildings or structures for the use of an entity that is a prescribed entity but that is not part of the Government within the meaning of section 1, the acquisition is deemed to be for the use or purposes of the Government under section 9.

Exceptions, etc.

(6) This section is subject to any exceptions, conditions, limitations or restrictions set out in the regulations made by the Minister.

2 Section 22 of the Act is repealed and the following substituted:

Regulations, s. 11.0.1

Minister

22 (1) The Minister may make regulations,

- (a) prescribing entities for the purposes of section 11.0.1;
- (b) prescribing exceptions, conditions, limitations or restrictions in connection with section 11.0.1;
- (c) clarifying the meaning of a term used in or in connection with section 11.0.1 that is not defined in this Act;
- (d) governing agreements with respect to interests described in section 11.0.1, including, without limitation,
 - (i) deeming specified terms or conditions to be or not to be included in an agreement,
 - (ii) requiring the parties to an agreement to include specified terms or conditions in the agreement,
 - (iii) prohibiting an agreement from including specified terms or conditions,
 - (iv) negating or limiting the liability of the Crown or an officer, employee or agent of the Crown, or any other specified person or entity, in respect of an agreement;
- (e) governing transitional matters arising from the implementation of section 11.0.1, including the vesting of real property and the registration on title of interests that are deemed to vest in the Crown.

Lieutenant Governor in Council

(2) The Lieutenant Governor in Council may make regulations,

- (a) governing agreements that have been entered into with respect to interests described in section 11.0.1, including, without limitation,
 - (i) deeming specified terms or conditions to be or not to be included in an agreement,
 - (ii) negating or limiting the liability of the Crown or an officer, employee or agent of the Crown, or any other specified person or entity, in respect of an agreement;
- (b) in circumstances where an entity prescribed for the purposes of section 11.0.1 has not complied with that section or the regulations associated with it,
 - (i) respecting measures to be taken by the entity, the Minister, the Ontario Infrastructure and Lands Corporation or any other specified person or entity in connection with the non-compliance,
 - (ii) governing the rights, powers and obligations of persons or entities who were directly or indirectly affected by the non-compliance,
 - (iii) governing the vesting of real property and the registration on title of interests described in section 11.0.1 in connection with the non-compliance,
 - (iv) negating or limiting the liability of the Crown or an officer, employee or agent of the Crown, or any other specified person or entity, in respect of subclauses (i) to (iii).

Retroactive

- (3) A regulation made under subsection (2) is, if it so provides, effective with respect to a period before it is filed.

COMPLEMENTARY AMENDMENTS

AgriCorp Act, 1996

3 Subsection 3 (1) of the *AgriCorp Act, 1996* is amended by adding “and by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” at the end.

Arts Council Act

4 Section 9 of the *Arts Council Act* is amended by adding the following subsection:

Limitation re real property

- (3) Subsection (2) is subject to any limits imposed by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*.

Building Opportunities in the Skilled Trades Act, 2021

5 Subsection 39 (1) of the *Building Opportunities in the Skilled Trades Act, 2021* is amended by adding “and by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” before “the Corporation”.

Capital Investment Plan Act, 1993

6 (1) Section 4 of the *Capital Investment Plan Act, 1993* is amended by adding the following subsection:

Limitation re real property, Ontario Financing Authority

- (2) The Ontario Financing Authority’s capacity, rights, powers and privileges are also subject to any limits imposed by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*.

(2) Section 10 of the Act is amended by adding the following subsection:

Limitation re real property, Ontario Financing Authority

- (2) Subsection (1) is, with respect to the Ontario Financing Authority, subject to any limits imposed by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*.

Education Quality and Accountability Office Act, 1996

7 Subsection 9 (1) of the *Education Quality and Accountability Office Act, 1996* is amended by adding “and by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” at the end.

Financial Services Regulatory Authority of Ontario Act, 2016

8 Subsection 6 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by adding “and section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” at the end.

Fire Protection and Prevention Act, 1997

9 Subsection 63 (1) of the *Fire Protection and Prevention Act, 1997* is amended by adding “and in section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” after “in this Act”.

Human Rights Code

10 Subsection 45.11 (4) of the *Human Rights Code* is amended by adding “and to any limits imposed by section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” at the end.

Securities Commission Act, 2021

11 Subsection 5 (1) of the *Securities Commission Act, 2021* is amended by adding “and section 11.0.1 of the *Ministry of Infrastructure Act, 2011*” at the end.

Commencement

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