STAFF REPORT
Planning

Title:	Bill 108 More Homes, More Choices Act, 2019 – Impact on the Land Use Planning System
Report Number:	IPPW2019-043
Authors:	Janice Mitchell and Joel Cotter
Meeting Type:	Council Meeting
Council/Committee Date:	May 27, 2019
File:	N/A
Attachments:	Attachment 1: Explanatory Note to Proposed Bill 108
Ward No.:	City-Wide

Recommendation:

1. That IPPW2019-043 be approved.

2. That IPPW2019-043, along with any additional comments that may deemed appropriate by the City Planner and/or City Solicitor, be forward to the Province of Ontario as the City of Waterloo's preliminary comments in relation to the proposed Bill 108.

3. That Council request that the Province make regulations associated with Bill 108 available well in advance of the final reading of Bill 108 so that the City can fully understand and be able to analyze the opportunities and impacts of the proposed Bill comprehensively.

4. That Council request that the Province provide for a transparent, in-depth and iterative stakeholder consultation process as part of the development of the regulations associated with the proposed Bill 108, and that the City of Waterloo be included in the consultation.

A. Executive Summary

Bill 108 (the proposed "**More Homes, More Choices Act, 2019**") has been introduced as part of the Provincial government's Housing Supply Action Plan. According to the Province, it is intended to address perceived barriers to the provision of new ownership and rental housing. The proposed legislation received first reading on May 2, 2019 and the opportunity to provide comments remains open until June 1, 2019. This report

represents the Planning Division's preliminary comments on Bill 108 on behalf of the Corporation of the City of Waterloo, specifically as it relates to proposed changes to the *Planning Act*, *Local Planning Appeal Tribunal Act* and *Ontario Heritage Act*. A companion report (CORP2019-043) has been prepared to address the proposed changes to the *Development Charges Act* which are closely related in some instances to the proposed *Planning Act* changes.

Staff is suggesting, through this report, that some of the proposed legislative changes appear to be contrary to the Provincial objective of creating a more streamlined planning system, and will likely result a less efficient process and increased time. Proposed changes also lessen the opportunity for municipal and community input, and reduce the City's ability to meet objectives related to the increased supply of affordable housing.

The overall impact of the proposed legislation is unclear, particularly in the absence of regulations that will better define the methodology, parameters, exemptions and timelines associated with the proposed community benefits charge system. Significant municipal resources will be required to prepare a community benefits charge strategy and by-law in order to implement the legislation. Potential financial implications for the municipality in terms of impacts on future revenues as a result of the new community benefits charge system are unknown.

B. Financial Implications

Should the legislation be approved, resources will be required to implement the legislation. Significant implementation items would including the preparation of a community benefits charge Strategy and by-law as well as amendments to the City Official Plan and Zoning By-law.

C. Technology Implications

None

D. Link to Strategic Plan

(Strategic Priorities: Multi-modal Transportation, Infrastructure Renewal, Strong Community, Environmental Leadership, Corporate Excellence, Economic Development)

Corporate Excellence – Comments support a relationship with the Province and foster a collaborative approach to governance.

E. Previous Reports on this Topic

None

F. Approvals

Name	Signature	Date
Author: Janice Mitchell		
Director: Joel Cotter		
Commissioner: Cameron Rapp		
Finance: n/a		

CAO

Bill 108 More Homes, More Choices Act, 2019 – Impact on the Land Use Planning System

IPPW2019-043

1. INTRODUCTION

Bill 108 (the proposed "**More Homes, More Choices Act, 2019**") has been introduced as part of the Provincial government's Housing Supply Action Plan. Along with the new Growth Plan that will come into effect on May 16, the legislation is intended to address perceived barriers to the provision of new ownership and rental housing. The Province is presenting these changes as a means of making it 'faster and easier for municipalities, non-profits and private firms to build the right types of housing in the right places'. The proposed legislation received first reading on May 2, 2019. The opportunity to provide comments remains open until June 1, 2019.

This report represents the Planning Division's preliminary comments on Bill 108 on behalf of the Corporation of the City of Waterloo specifically as it relates to proposed changes to the *Planning Act, Local Planning Appeal Tribunal Act* and *Ontario Heritage Act*. A companion report (CORP2019-043) has been prepared to address the proposed changes to the *Development Charges Act* which are closely related in some instances to the proposed *Planning Act* changes. For Council's information, Attachment 1 to this report is the Explanatory Note to the proposed legislation and provides Council with a high level overview of the changes to all thirteen statutes that are proposed to be revised through Bill 108.

Preliminary staff comments are contained in this report in response to key changes that are being introduced to the planning system through Bill 108. While we acknowledge and support the Provincial intent of creating a more streamlined and predictable land use planning system that supports the creation of more housing supply in a timely manner, it is unclear how some of the proposed changes will achieve this. As highlighted in the report, some initiatives appear to be contrary to this objective and will likely result a less efficient process with increased time. Proposed changes also lessen the opportunity for municipal and community input, and reduce the City's ability to meet objectives related to the increased supply of affordable housing in our community.

2. OVERVIEW OF BILL 108 IN RELATION TO THE PLANNING SYSTEM

2.1 Planning Act and Local Planning Appeal Tribunal Act

Schedule 12 of Bill 108 proposes changes to the *Planning Act* that are intended to streamline the planning approvals system and to improve predictability and certainty within the system.

Amendments to the *Planning Act* are also advanced to address recent concerns about the land use planning appeal process. Proposed changes would significantly modify and broaden the role of the Local Planning Appeal Tribunal (LPAT), affecting the grounds under which planning application may be appealed, who may appeal, and the manner in which evidence is called and considered by the Tribunal. Changes to the *LPAT Act* that complement the *Planning Act* changes are also being considered.

2.2 Ontario Heritage Act

Schedule 11 of Bill 108 proposes changes to the *Ontario Heritage Act* to create new timelines and processes for municipal councils when making decision on heritage matters. The changes are intended to ensure timely and transparent decision making. The changes also create new avenues for objections to council decisions and gives LPAT final decision making authority for decisions on certain heritage matters under the Act.

3. IMPACT ON THE LAND USE PLANNING SYSTEM: STAFF COMMENTS

3.1 Reductions to Decision Timelines

The *Planning Act* includes timelines for processing planning applications, after which an applicant can appeal to the Local Planning Appeal Tribunal (LPAT) based on council's lack of decision within the specified timeline. Proposed changes to the Act would reduce the timelines as follows:

- Official Plan decisions are reduced from 210 days to 120 days;
- Zoning by-law amendments are reduced from 150 days to 90 days; and,
- Subdivisions are reduced from 180 days to 120 days.

Staff Comment: On the surface, these changes may have the desired effect of reducing processing times for applications. However, it will be extremely difficult to meet the proposed shortened timelines even for simple applications, and the risks associated with the shortened timelines are significant. Specifically, shorter timelines:

- reduce the opportunity for consultation with the community, agencies and the applicant;
- reduce the opportunity for issues resolution with the community, agencies and the applicant;

- reduce the opportunity for innovative problem solving to facilitate development where appropriate;
- do not factor in the magnitude of the proposed amendments (i.e., all applications are treated the same);
- do not factor in the scale of the proposed development (i.e., all developments are treated the same).

Where municipalities are unable to meet these shortened timelines (e.g. due to consultation obligations under a transparent planning system and/or issues resolution with the applicant, among other things), appeals are likely. This will increase the overall timeline to secure a decision on the application, contrary to the intended effect of shortening the planning process. If appeals are submitted, the decision-making authority will be removed from the municipality and will rest with the LPAT, which is also of concern as discussed in Section 3.2.

Shortening the timelines to process planning applications will not likely result in the desired increase in housing supply. In Waterloo, a small number of developers control the majority of development/land. The developers restrict the release of lots and units to control the market and to meet their business objectives, in particular projected profits. The proposed shortened timelines are unlikely to result in developers shifting their business ethos to bring more housing supply on line to reduce market prices, as such a shift would likely translate to reduced developer profits.

It is recommended that the Province maintain the existing timelines in the *Planning Act*, or if necessary, revert to the pre-Bill 139 timelines of:

- 180 days for official plans, official plan amendments, and subdivisions; and,
- 120 days for zoning by-law amendments.

3.2 Revisions to the Appeal Process

Changes to the *Planning Act*, in conjunction with changes to the *Local Planning Appeal Tribunal Act*, will result in significant changes to the appeal process for planning applications. More specifically, key changes include:

- Basis for appeal - The basis for planning appeals would no longer need to be limited solely to conformity with the official plans and/or consistency with provincial policy, but rather, the Tribunal would make decisions based on ‘best planning outcome’;
- New Information and Material at Hearing – Amends restrictions on a party’s ability to introduce new evidence at LPAT hearings that was not before council and to examine or cross-examine witnesses. Under the proposed system, if the Tribunal determines that the new information may have materially affected the municipal council’s decision, the municipality would be given an opportunity to consider the new evidence and make a recommendation to the Tribunal.
- Third Party Appeals - Limiting third party appeals of plans of subdivision and non-decisions on official plans and official plan amendments.
- Return to a Single Hearing Process – Under the current system, LPAT has the

opportunity to return a matter to the municipality to be reconsidered if the original decision of council is deemed not to conform to relevant policies and plans, providing the municipality a second decision-making opportunity. The proposed system is one hearing, and LPAT has the authority to make a final determination to approve, refuse or modify the matter under appeal.

Staff Comment: Although the LPAT name remains in place, the proposed changes represent a return to an appeal system that is similar to the previous Ontario Municipal Board (OMB). The process of introducing OMB reform under the previous government involved a substantial amount of consultation and consideration to reduce the significant backlog of appeals, attempt to find a balance between accommodating public input without causing undue delay, and to recognize the importance of local decision-making based on conformity to municipal official plans that align with provincial policies and plans. In staff's opinion, the proposed LPAT system under Bill 108 is flawed in that it reintroduces a highly adversarial approach to dispute resolution that is often lengthy and demands significant time and resources to introduce, examine and cross-examine evidence (and potentially new information) at hearings. This puts groups who are less well-resourced or experienced at a disadvantage, and places less weight on conformity with municipal official plans.

Staff is also concerned that the proposed shortened timelines, combined with the opportunity to introduce new information and material at a hearing, will be problematic. This approach fosters a planning system where applicants can submit inadequate or incomplete material at the front end of the process in order to 'start the clock' on the processing timeline with the knowledge that an appeal can be initiated relatively quickly, making it extremely difficult for municipal councils to make effective and cost-efficient planning decisions. Under the proposed system, if new information or material is introduced at a hearing that LPAT determines could have materially affected council's decision, council is afforded an opportunity to make a written submission to LPAT for its consideration. Staff supports the requirement to afford municipal council the opportunity to provide comments on the new information/material to LPAT, and recommends that LPAT be required to give weight to municipal council's written submission.

Staff supports consideration of broadening the range of planning criteria that may be used as the basis for appeals (i.e. rather than limiting consideration solely to consistency with provincial policy, conformity to provincial plans, and conformity with applicable official plans). However, the broader range of planning criteria should be limited to considerations that are unique to individual sites or areas, and or to facilitate innovation. Notwithstanding the preceding, we believe that the legislation should be clear that the existing considerations, in particular conformity to applicable official plans, are valid and appropriate requirements to determine the validity of appeals, and the legislation should ensure that significant weight is given to the existing considerations when granting the right to appeal.

Planning staff recommends that further consideration be given to the restriction on third party appeals for plans of subdivision and plans of condominium. While the restriction prevents developer to developer appeals, it also prevents resident and stakeholder appeals on legitimate grounds. The restriction on third party appeals should be evaluated relative to the expanded powers of LPAT to dismiss all or part of an appeal without holding a hearing, particularly appeals that do not disclose a relevant land use planning ground, are frivolous/vexatious, or are made for the purposes of delay. Expanding LPAT's authority to dismiss appeals may be a better approach than restricting third party appeals.

Further, it is recommended that the Province expand subsection 2.1 (2) of the *Planning Act* to read (additional wording underlined):

> (2) When the Tribunal makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter, and to written submissions of the municipal council to the Tribunal in respect of the planner matter that is appealed.

3.3 Second Unit Policies

The proposed changes would require that municipalities approve second unit policies in their Official Plan to enable the addition of a second residential unit in both the primary residential dwelling (e.g. detached house, semi-detached house or row house) as well as within an ancillary structure. This scenario is more permissive that the current policy framework that would provide for the addition of a second unit in either the main dwelling **or** the accessory dwelling. The Province has suggested that this is intended to support a range and mix of housing options and boost housing supply.

Staff Comment: The City of Waterloo Official Plan (OP) and implementing Zoning By-law include second unit policies consistent with the current *Planning Act* framework. Under the revised framework, both the OP and Zoning would need to be revised. Staff can support the proposed revisions as a means of providing additional (potentially affordable) housing units within a neighbourhood, provided the municipality retains the existing ability to regulate the uses in order to consider locational constraints (e.g. servicing, flood plain, grading, tree preservation, etc.) and manage impacts (e.g. parking, setbacks, character, etc.).

3.4 Inclusionary Zoning

The legislation proposes to change the conditions under which municipalities can establish inclusionary zoning by-laws and policies in order to facilitate affordable housing development. Under the proposed system, the use of inclusionary zoning would be limited, in some instances, to areas around protected major transit station areas or areas where a development permit system is in place, as authorized by the Minister. The Province has advised that the intent of this change is to direct the supply of affordable housing to areas that are generally subject to growth pressures, higher housing demand, and in proximity to higher order transit.

Staff Comment: Increasing the supply of housing may not result in affordability, as the premise relies on developers and the real estate industry to pass on savings to consumers. Other mechanisms and tools are required to increase the supply of affordable housing in communities, such as inclusionary zoning. Staff is concerned that the proposed change is overly restrictive and will limit the ability of municipalities to increase the supply of affordable housing in our communities. Although the City supports, and is planning for, intensification and transit-supportive development within major transit station areas, such areas represent only a portion of a municipality's land supply planned to accommodate growth through substantial intensification and redevelopment (e.g. Nodes and Corridors designated in the City's Official Plan). It is unclear why the province has chosen to limit the application of inclusionary zoning to station areas and development permit areas, and doing so has the potential to significantly decrease the potential supply of affordable housing units. In staff's opinion, municipalities should retain the ability to determine where and how inclusionary zoning is best implemented in their community, in order to best meet the City's affordable housing needs.

Further, it appears that the associated regulations for inclusionary zoning remain untouched. As a result, the arguably onerous requirements associated with implementing inclusionary zoning (e.g. Municipal Assessment Report) is still applicable, meaning that significant resources would be required to establish inclusionary zoning authority in a municipality with a very limited application area.

3.5 Community Benefits Charge

The new Community Benefits Charge system is described in a revised Section 37 of the Planning Act. The new Section 37 would authorize a municipality to impose community benefit charges to pay for the capital costs associated with development/redevelopment. The community benefits charge could be imposed on development requiring a building permit as well as in association with certain planning applications (i.e. zoning, minor variances, consents, subdivisions, certain land conveyances, condominiums) and would replace:

- the existing height and density bonusing provisions contained in the current Section 37;

- development charges for discounted (soft) services under the *Development Charges Act, 1997* (costs of growth that are eligible for development charges as set out in Section 2(4) of that Act are excluded from the charge); and,
- parkland dedication, if the municipality chooses to collect parkland through this community benefits mechanism rather than through a parkland dedication by-law (Section 42 of the Act) or as a condition of subdivision approval (Section 51.1 of the Act).

Key components of the new community benefits authority include the following:

- Under the proposed system, the municipality would need to prepare a community benefits charge strategy and approve a by-law to address the types of facilities, services and matters to be funded through community benefit charges, among other things (prescribed requirements are yet to be defined).
- Only one community benefits charge by-law may be in effect within the municipality.
- Community benefit charges would be capped based on a portion of the appraised value of the land (prescribed cap yet to be defined). A dispute resolution process involving the use of multiple land value appraisals is defined in the proposed legislation.
- Future regulations are expected to define exemptions for types of development and/or types of facilities, services and matters that will be excluded from the charge.
- All money received by a municipality under a community benefits charge by-law shall be paid into a special account. In each calendar year, the municipality shall spend or allocate at least 60% of the monies that are in the special account at the beginning of the year. The municipality will be required to provide reports and information in the prescribed manner (yet to be defined) and these requirements will replace previous reporting requirements.
- Transitional provisions are included to address the status of by-laws passed and monies collected under the previous Section 37. In general, by-laws passed and charges or community benefits collected prior to the passing of Bill 108 remain in place.

Staff Comment: Staff supports efforts to improve certainty and transparency in the process of assessing appropriate community benefits associated with development. However, many critical components of the system are not yet defined and some of those that are defined are likely to delay the process and create more bureaucracy (e.g. lengthy and prescriptive appraisal process involving multiple appraisals to assess land value in the event of a dispute). Financial implications are discussed in staff report CORP2019-043.

Staff is concerned with the uncertainty around critical matters that are yet to be defined and that will be prescribed in a future regulation. These include:

- Items eligible for the community benefits charge;
- Types of development/redevelopment that are excluded from the charge, and types of facilities, services or matters (community benefits) that cannot be included;
- Requirements that must be complied with when preparing the community benefits charge strategy;

- The cap that will apply to the community benefits charge (i.e. as a percentage of the land value);
- Various time periods to be prescribed (e.g. time periods for submitting appraisals where dispute occur.

In staff's opinion, the existing planning framework and development charge system works well, provided it is anchored into municipal official plans and in-depth background studies, as is the case in the City of Waterloo. The City of Waterloo: (i) works hard to minimize development charges; (ii) has lowered parkland dedication requirements in intensification areas to facilitate development while ensuring some parkland is available to meeting the social/recreational/healthy lifestyle requirements of the community; and (iii) has effectively used the existing Section 37 authority under the *Planning Act* to grant increased height and or density for reasonable community benefits (e.g. developer conveyance of a walkway to the City in exchange for the associated density of the walkway lands being granted to the development). Planning staff recommends that the Province consider retaining a mechanism to authorize increases in height and/or density, subject to the provision of community benefits as described in municipal official plans, particularly where the community benefit is the provision of affordable housing.

It is imperative that the regulations that define these matters be released well in advance of the final reading of Bill 108, so that the overall impact of the legislation and the implementing regulations can be understood comprehensively by the City and constructive feedback provided to the Province. It is hereby requested that the Province undertake an in-depth and transparent consultation process in association with the regulations, and provide sufficient time for municipalities to understand, assess and provide constructive feedback on the implications.

Given the dramatic changes proposed from the current system of calculating community benefits, it will also be important to have a clear and transparent system for transition with reasonable implementation timelines. Significant time and resources will be needed to understand the legislation and regulations and to implement the changes, if approved, through the creation of a strategy and passing of a by-law. This process will be complex and will need to involve collaborative analysis and decision-making across City departments in order to ensure that the strategy fully considers the financial and planning implications of the preferred approach. In advance of this occurring, staff is uncertain of the implications for new and in-process planning applications. In addition, the financial pressures for the City in relation to the proposed system remain unknown.

3.6 Parkland Dedication

Key changes to Section 42 of the *Planning Act*, dealing with the conveyance of land for park and recreation purposes, are related to the proposed changes to Section 37 and include:

- A new community benefits charge by-law, if approved pursuant to Section 37, would replace the municipality's parkland dedication by-law (alternatively, the municipality

could continue to collect parkland pursuant to Section 42 of the Act) and through conditions associated with Plans of Subdivision.
- Removal of the option to calculate parkland dedications in accordance with an alternative requirement (i.e. 1 hectare/300 dwelling units).
- Removal of the requirement for a parks plan that examines the need for parkland in a municipality to be prepared in advance of passing a parkland dedication by-law.
- Removal of existing reporting requirements for the special account related to parkland (Treasurer's Statement), to be replaced by requirements for reports and information yet to be prescribed.

Staff Comment: The City's Parkland Strategy is well underway and when complete, the City will be well-positioned to use the findings of the Strategy to inform and update the City's Parkland Dedication By-law, either pursuant to Section 42 of the *Planning Act* or as part of a community benefits charge by-law. The relationship between the Parkland Dedication By-law and a community benefits charge by-law is unclear, in the event that they apply to different geographic areas. Planning staff recommend that a municipality be given the ability to apply a community benefits charge by-law to part of community, and utilize Section 42 and 51 elsewhere. Clarification from the Province is required in this regard as this will need to be better understood and considered when making decisions regarding the timing and content of any future community benefits charge by-law.

Planning staff is concerned with the deletion of the 'alternative rate' for parkland conveyances. The base rate (maximum 2% or 5% of land area) works well for low-rise subdivisions and typical greenfield development, but creates inequity when applied to vertical development (e.g. parkland applied to a 1-storey building is the same as a 25-storey building). The alternative rate (maximum 1 hectare per 300 dwelling units) creates equity for vertical developments, and better aligns the parkland contribution with the demand generated by the level of intensification. It is recommended that the 'alternative rate' for parkland be retained. It is further recommended that the Province consider a simplified approach to the community benefits charge system, lowering the base rate and alternative rate to foster affordability while maintaining sufficient parkland to create vibrant, healthy and sustainable communities.

4. IMPACT ON HERITAGE PLANNING: STAFF COMMENTS

4.1 Definitions

Proposed changes clarify that the definition of "alter" and "alteration" do not include demolition

Staff Comment: This is a welcome addition that provides municipalities with greater clarity on how to process heritage permit applications and demolition applications.

4.2 Prescribed Principles

Council will be required to consider principles that the Province may prescribe through regulation when exercising their decision-making authority on heritage matters under the Act (e.g. designations, heritage permits).

Staff Comment: Should the Province choose to establish principles through regulation, they are encouraged to consider and incorporate those principles that form the basis of existing international heritage conventions and charters and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada.

4.3 Appeals

Council decisions on heritage matters may be appealed to the Local Planning Appeal Tribunal (which makes binding decisions), rather than to the Conservation Review Board (which makes non-binding recommendations).

Staff Comment: This proposed revision to the legislation puts greater decision-making authority into the hands of LPAT at the expense of municipal councils. Should the Province proceed with this amendment to the *Ontario Heritage Act*, they are encouraged to ensure that LPAT adjudicators responsible for hearing heritage matters have the necessary heritage experience and expertise to make decisions with respect to the Act, and are required to have regard for the decision/recommendation of municipal council related to the heritage matter and heritage policies contained within applicable official plans.

4.4 Revised Processes and Timelines

Additional processes and timelines are introduced for listing and designating heritage properties, repealing a designation and for reviewing requests to alter properties (heritage permits). Examples include: new notice requirements to property owners when council decides to list a non-designated property on the Municipal Heritage Register, new procedures for handling objections to council decisions to list or designate properties in advance of an appeal to LPAT, and new timelines for passing by-laws to designate properties and deeming heritage permit applications complete.

Staff Comment: The proposed new processes and timelines under Bill 108 will provide greater clarity and transparency with respect to how municipalities handle heritage permits and decisions to list or designate properties. The Province is encouraged to consider adopting the City of Waterloo's model of requiring listing notices to be sent to property owners before (not after, as proposed in Bill 108) a council makes a decision on the matter. This would allow objecting property owners to attend council meeting at which the listing is being considered and would streamline the listing and objection process for both municipalities and the property owner.

5. RECOMMENDATION

1. That IPPW2019-043 be approved.

2. That IPPW2019-043, along with any additional comments that may deemed appropriate by the City Planner and/or City Solicitor, be forward to the Province of Ontario as the City of Waterloo's preliminary comments in relation to the proposed Bill 108.

3. That Council request that the Province make regulations associated with Bill 108 available well in advance of the final reading of Bill 108 so that the City can fully understand and be able to analyze the opportunities and impacts of the proposed Bill comprehensively.

4. That Council request that the Province provide for a transparent, in-depth and iterative stakeholder consultation process as part of the development of the regulations associated with the proposed Bill 108, and that the City of Waterloo be included in the consultation.

ATTACHMENT 1

Explanatory Note to Proposed Bill 108
“More Homes, More Choices Act”

Legislative Assembly of Ontario

Assemblée législative de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
68 ELIZABETH II, 2019

Bill 108

An Act to amend various statutes with respect to housing, other development and various other matters

The Hon. S. Clark
Minister of Municipal Affairs and Housing

Government Bill

1st Reading May 2, 2019

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

SCHEDULE 1
CANNABIS CONTROL ACT, 2017

The Schedule makes several amendments to section 18 of the *Cannabis Control Act, 2017*, which authorizes the interim closure by a police officer of premises connected with specified alleged contraventions of the Act:

1. Subsection 18 (7), which provides that section 18 does not apply to premises used for residential purposes, is repealed.
2. Subsection 18 (3) provides that a police officer must bar entry to premises closed under the section, for as long as the closure lasts. Subsection 18 (3.1) is added to prohibit persons from entering or attempting to enter closed premises during the closure. An exception to the bar on entry is added in subsection 18 (3.2) for police officers and other emergency responders, in exigent circumstances.

Similar amendments are made to section 25 of the Act, which authorizes court-ordered closure of premises in specified circumstances following conviction.

In addition, section 21.1 is added to the Act, providing for a general prohibition on obstructing police officers and other persons enforcing the Act. Finally, subsection 23 (2) of the Act, which sets out penalties for individuals in relation to contraventions of sections 6 (unlawful sale, distribution) and 13 (landlords) of the Act, is amended to add minimum penalty amounts.

SCHEDULE 2
CONSERVATION AUTHORITIES ACT

The Schedule amends the *Conservation Authorities Act*.

The Schedule imposes the duty on every member of an authority to act honestly and in good faith with a view to furthering the objects of the authority. The Act is also amended to list specific programs and services that are required to be provided by an authority if they are prescribed by the regulations, which may include programs and services related to the risk of flooding and other natural hazards.

Authorities continue to be authorized to provide other programs and services, including programs and services that it determines to be advisable to further its objects. If financing by a participating municipality under section 25 or 27 of the Act is necessary in order for the authority to provide such programs and services, the authority and the participating municipality must enter into an agreement in order for the authority to provide the program or service. On and after a day prescribed by the regulations, the authority is prohibited from including capital costs and operating expenses in respect of such programs and services in its apportionment of payments to the participating municipality if no such agreement has been entered into. Authorities are required to prepare and implement a transition plan in order to ensure they are in compliance with this requirement when it takes effect.

An authority is authorized to determine the amounts owed by specified municipalities in connection with the programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*.

Other amendments include authorizing the Minister to appoint one or more investigators to conduct an investigation of an authority's operations.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997*.

Subsection 2 (4) of the Act is amended to set out the only services in respect of which a development charge by-law may impose development charges. The services are those set out in current subsection 5 (5), which is repealed, and waste diversion services.

A new section 26.1 is added to the Act setting out rules for when a development charge is payable in respect of five types of development: rental housing, institutional, industrial, commercial and non-profit housing. Unless certain exceptions apply, the charge is payable in six annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied. Section 52 is amended to set out equivalent rules in respect of these types of development in the context of non-parties to a front-ending agreement.

A new section 26.2 is added to the Act setting out rules for when the amount of a development charge is determined. The amount is determined based on the date of an application under section 41 of the *Planning Act* (site plan control area) or, if there is no such application, on the date of an application under section 34 of the *Planning Act* (zoning by-laws). If neither such application has been made, the amount continues to be determined in accordance with section 26 of the Act. If a specified period of time has elapsed since the approval of the relevant application, the amount continues to be determined in accordance with section 26 of the Act.

Transitional provisions are set out.

SCHEDULE 4
EDUCATION ACT

The Schedule amends section 195 of the *Education Act* to require a school board to give notice to the Minister if it plans to acquire or expropriate land and to allow the Minister to reject the board's plans.

The Schedule also makes various amendments with respect to education development charges. Section 257.53.1 is added to the Act to provide for alternative projects that, if requested by a board and approved by the Minister, would allow the allocation of revenue from education development charge by-laws for projects that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land.

Section 257.53.2 is added to the Act to provide for localized education development agreements that, if entered into between a board and an owner of land, would allow the owner to provide a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation in exchange for the board agreeing not to impose education development charges against the land.

Related amendments are also made.

SCHEDULE 5
ENDANGERED SPECIES ACT, 2007

The Schedule makes several amendments to the *Endangered Species Act, 2007*. The following is a summary of the more significant amendments:

1. Subsection 7 (4) of the Act currently provides that a regulation must be made under section 7 listing species on the Species at Risk in Ontario List within three months of the Minister receiving a report from COSSARO classifying the species. The Schedule amends the subsection to extend the time frame for making the regulation to 12 months after receiving the COSSARO report.
2. Subsections 8 (3) and (4) of the Act are amended to provide that, once the Minister requests that COSSARO reconsider the classification of a species set out in a report to the Minister, the requirement to make a regulation under section 7 within 12 months of receiving that report no longer applies. The 12-month period will only begin to run once COSSARO submits a second report to the Minister.
3. Under new section 8.1, the Minister may, by regulation, make an order when a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time. The order would temporarily suspend all or some of the prohibitions in subsections 9 (1) and 10 (1) of the Act with respect to the species for a period of up to three years.
4. New section 8.2 provides that, for a period of one year after a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, some of the prohibitions under subsection 9 (1) or 10 (1) will not apply to persons who were issued permits or otherwise authorized under the Act to engage in activities before the species was so listed. This one-year delay applies in addition to any order made under section 8.1 that temporarily suspends the relevant prohibitions for a period of up to three years.
5. Subsection 9 (1) of the Act currently sets out prohibitions that apply to species once they are listed on the Species at Risk in Ontario List as endangered or threatened species. The Schedule enacts subsections 9 (1.2) to (1.4) which give the Minister the power to make regulations limiting the application of the prohibitions with respect to a species. The limitations may limit the prohibitions in various ways, including by indicating that some of the prohibitions do not apply, by limiting the geographic areas in which they apply or by providing that the prohibitions only apply to the species at a certain stage of their development.
6. New section 16.1 allows the Minister to enter into landscape agreements with persons. A landscape agreement authorizes a person to engage in activities that would otherwise be prohibited under section 9 or 10 with respect to one or more species that are listed on the Species at Risk in Ontario List as endangered or threatened species. The person so authorized is required under the agreement to execute specified beneficial actions that will assist in the protection or recovery of one or more species. The agreement applies only to a geographic area specified in the agreement. The species impacted by the authorized activities are not necessarily the same as the species that benefit from the beneficial actions. The agreement may only be entered into if specified criteria is met.
7. Section 18 of the Act deals with activities that are regulated under other Ontario legislation or under federal legislation and what happens if those regulated activities are prohibited under section 9 or 10 with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species. Section 18 is re-enacted to provide that the person authorized to engage in the regulated activity may carry out the activity, despite section 9 or 10, provided certain conditions are met. The conditions require that the regulated activity itself be prescribed by regulations under subsection 18 (3) for the purposes of the section, that the species affected by the regulated activity be similarly prescribed and that other conditions set out in those regulations be met.
8. New sections 20.1 to 20.18 provide for the establishment of the Species at Risk Conservation Fund and of an agency to manage and administer the Fund. The purpose of the Fund is to provide funding for activities that are reasonably

likely to protect or recover species at risk. The primary source of money for the Fund are species conservation charges that certain persons may be required to pay into the Fund under the Act. Those persons are required to pay the charge as a condition of a permit or other authorization issued or entered into under the Act that authorizes the person to engage in activities. Were it not for the permit or authorization, those activities would be prohibited under section 9 or 10 of the Act with respect to species that are designated by the regulations.

9. New section 27.1 gives the Minister the power to order a person not to engage in an activity or to stop engaging in an activity that may have a significant adverse effect on a species listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species. The order may also require the person to take steps to address the adverse effect of the activity.

10. The regulation-making powers in sections 55 and 56 are re-enacted and are divided so that some regulations are made by the Lieutenant-Governor in Council and others by the Minister. Section 57 would prevent certain regulations from being made unless the Minister is satisfied that the regulation is not likely to jeopardize the survival in Ontario of a species listed on the Species at Risk in Ontario List as an endangered or threatened species or to have any other significant adverse effect on such a species.

SCHEDULE 6
ENVIRONMENTAL ASSESSMENT ACT

This Schedule sets out amendments to the *Environmental Assessment Act*.

The Schedule amends section 11.4 of the Act and also amends section 12.4 to provide that section 11.4 applies in respect of environmental assessments that were prepared under the predecessor of Part II of the Act.

Section 5 of the Schedule adds several new sections to the Act in respect of class environmental assessments.

The new section 15.3 provides that a class environmental assessment may exempt specified categories of undertakings within the class from the Act. It would also exempt certain undertakings that are currently subject to approved class environmental assessments.

The new section 15.4 provides a new process governing amendments to approved class environmental assessments. This includes enabling the Minister of the Environment, Conservation and Parks to exempt other undertakings from the Act by amending class environmental assessments and providing rules governing those amendments, including requirements for public consultation.

Section 6 of the Schedule adds several new subsections to section 16 of the Act. These amendments would specify when the Minister could issue orders under section 16. An order under section 16 could, among other matters, require a proponent of an undertaking subject to a class environmental assessment process to carry out further study. The amendments would limit the Minister's ability to issue such orders to only prevent, mitigate or remedy adverse impacts on constitutionally protected aboriginal or treaty rights or any other matters as may be prescribed. The amendments would also provide that the Minister must make an order within any deadlines as may be prescribed and should the Minister fail to do so, that written reasons be provided.

The amendments impose limitations on persons making requests for orders under section 16 by requiring that the person be a resident of Ontario and make the request within a prescribed deadline.

The amendments to section 16 would also require the Director to refuse any requests for an order under section 16 that do not comply with the applicable criteria.

The Schedule also contains amendments that update the name of the Minister and Ministry, make complementary amendments governing the preparation of new class environmental assessments, set out transitional provisions related to the new section 15.4 and amendments to section 16, and provide complementary amendments to the Minister's delegation powers and the authority of the Lieutenant Governor in Council to make regulations.

SCHEDULE 7
ENVIRONMENTAL PROTECTION ACT

The Schedule re-enacts Part V.1 of the Environmental Protection Act. A provincial officer may seize the number plates for a vehicle, including number plates issued by an authority outside Ontario, if he or she reasonably believes that the vehicle was used or is being used in connection with the commission of an offence and the seizure is necessary to prevent the continuation or repetition of the offence. The provincial officer is required to provide notice of the seizure to the driver, the owner of the vehicle and the Registrar of Motor Vehicles under the Highway Traffic Act. The notice must specify a prohibition period, not exceeding 30 days. During the prohibition period, the Registrar is prohibited from taking various steps, including the issuing of number plates to the holder of the permit for the vehicle.

In addition, if a person is convicted of an offence, the court may make orders in respect of the permit and number plates for any vehicle that the court is satisfied was used in connection with the commission of the offence. The clerk of the court is required to notify the Registrar and the Registrar is required to take appropriate steps to give full effect to the order.

The Schedule also re-enacts section 182.3 of the Act to broaden the scope of administrative penalties and to provide that they may be prescribed by the regulations.

Related amendments are also made.

SCHEDULE 8
LABOUR RELATIONS ACT, 1995

The Schedule amends the *Labour Relations Act, 1995*. The special rules relating to the Carpenters' District Council of Ontario in section 150.7 of the Act are repealed. The provisions of section 153 that allow exclusions under that section to be limited to specified geographic areas are also repealed. Related transitional and consequential amendments are made throughout the Act.

SCHEDULE 9
LOCAL PLANNING APPEAL TRIBUNAL ACT, 2017

The Schedule makes various amendments to the *Local Planning Appeal Tribunal Act, 2017*. Most of the amendments are to Part VI of the Act, in relation to the practices and procedures of the Tribunal, including the following:

1. Sections 32 and 33 are amended in relation to requirements for participation in alternative dispute resolution processes.
2. Subsection 33 (2.1) is added to empower the Tribunal to limit any examination or cross-examination of a witness in specified circumstances.
3. Section 33.2 is added to limit submissions by non-parties to a proceeding before the Tribunal to written submissions only. Subsection 33 (2) is amended to confirm that such non-parties may still be examined or required to produce evidence by the Tribunal.
4. Section 36, which sets out a process by which the Tribunal may state a case in writing for the opinion of the Divisional Court on a question of law, is repealed. Consequential amendments are made to the *Municipal Act, 2001* and to the *Ontario Water Resources Act*.
5. Sections 38 to 42, respecting appeals to the Tribunal under the *Planning Act*, are repealed. Section 33.1 is added, which requires a case management conference in certain such appeals.

Amendments to other Parts of the Act include the re-enactment of subsection 14 (2), to remove the requirement for the Tribunal to obtain the Attorney General's approval in setting and charging fees, and to provide that the Tribunal may set and charge different fees in respect of different classes of persons or proceedings.

SCHEDULE 10
OCCUPATIONAL HEALTH AND SAFETY ACT

Currently, the *Occupational Health and Safety Act* includes provisions respecting the certification of joint health and safety committee members. Various amendments are made respecting the Chief Prevention Officer's power to, among other things, revoke or amend a certification or amend the requirements for obtaining a certification.

SCHEDULE 11
ONTARIO HERITAGE ACT

The Schedule amends the *Ontario Heritage Act* as follows.

The Act is amended to require a council of a municipality, when exercising a decision-making authority under a prescribed provision of Part IV or V of the Act, to consider the prescribed principles, if any.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. Amendments are made to the section to require a municipal council to notify an owner of a property if the property has not been designated, but the council has included it in the register because it believes the property to be of cultural heritage value or interest. The owner is entitled to object by serving a notice of objection on the clerk of the municipality and the council of the municipality must make a decision as to whether the property should continue to be included in the register or whether it should be removed. Other technical amendments are made to the section.

Currently, section 29 of the Act governs the process by which a municipal council may, by by-law, designate a property to be of cultural heritage value or interest. The process set out in the section is amended to require a municipal council, after a person objects to the notice of intention to designate the property, to consider the objection and to make a decision whether or not to withdraw the notice of intention within 90 days after the period for serving a notice of objection on the council ends. If no notice of objection is served or the council decides not to withdraw the notice of intention, the council may pass a by-law designating the property, but must do so within 120 days after the notice of intention was published. If a by-law is not passed within that period, the notice of intention is deemed to be withdrawn. A person who objects to a by-law passed under the section may appeal to the Local Planning Appeal Tribunal. Similar amendments are made to section 30.1 in connection with proposed amending by-laws and to section 31 in connection with proposed repealing by-laws. However, those amendments

do not include the restriction that the amending by-law or repealing by-law, as the case may be, must be passed within the 120-day period.

Section 29 of the Act is also amended to provide that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be prescribed.

Section 32 of the Act currently governs the process by which an owner of a property may apply to a municipal council to repeal a by-law designating the property. The section is amended to provide that the municipal council must give notice of the application and that any person may object to the application. The council must, within 90 days after the period for serving a notice of objection on the council ends, make a decision to refuse the application or consent to it and pass a repealing by-law. If the council refuses the application, the owner of the property may appeal the council's decision to the Tribunal or if the council consents to the application, any person may appeal the decision to the Tribunal.

Currently, section 33 of the Act restricts the alteration of a property designated under section 29. Amendments are made to provide that an application under the section must be accompanied by the prescribed information and materials and any other information or materials the municipal council considers it may need. Re-enacted subsection 33 (4) provides that the council must, upon receiving all of the required information and material, notify the applicant that the application is complete. The council is also permitted, under re-enacted subsection 33 (5), to notify the applicant of the information and material that has been provided, if any, or that has not been provided. The council must make a decision on the application within 90 days after notifying the applicant that the application is complete. However, if the applicant is not given a notice under subsection (4) or (5) within 60 days after the application commenced, the council's decision on the application must be made within 90 days after the end of that 60-day period. Similar amendments are made to section 34.

In addition, section 33 of the Act is amended to enable the owner of a property to appeal the council's decision to the Tribunal.

Currently, sections 34 and 34.5 of the Act restrict the demolition or removal of a building or structure on properties designated under Part IV and section 42 restricts the demolition or removal of buildings or structures on properties designated under Part V. Those sections are amended to also restrict the demolition or removal of any of a designated property's heritage attributes. Consequential amendments are made to sections 34.3, 41 and 69. Section 1 is amended to provide that, for the purposes of certain specified provisions of the Act, the definition of "alter" does not include to demolish or remove and "alteration" does not include demolition or removal.

Technical amendments are made to section 34.1 of the Act, which governs appeals to the Tribunal in relation to decisions made under section 34.

Section 70 of the Act is amended to provide regulation-making powers in connection with the amendments described above. Also, a new section 71 is added to give the Lieutenant Governor in Council the power to make regulations governing transitional matters.

Other technical and housekeeping amendments are made to the Act.

SCHEDULE 12
PLANNING ACT

The Schedule amends the *Planning Act*. The amendments include the following:

Additional residential unit policies

Currently, subsection 16 (3) of the Act requires official plans to contain policies authorizing second residential units by authorizing two residential units in a house with no residential unit in an ancillary building or structure and by authorizing a residential unit in a building or structure ancillary to a house containing a single residential unit. The subsection is re-enacted to require policies authorizing additional residential units by authorizing two residential units in a house and by authorizing a residential unit in a building or structure ancillary to a house.

Inclusionary zoning policies

Currently, under subsection 16 (5), official plans of municipalities that are not prescribed for the purposes of subsection 16 (4) may contain inclusionary zoning policies in respect of all or part of a municipality. Under subsection 16 (5), as re-enacted, official plans of those municipalities may contain those policies in respect of an area that is a protected major transit station area or an area in respect of which a development permit system is adopted or established in response to an order made by the Minister of Municipal Affairs and Housing under section 70.2.2, as re-enacted.

Reduction of decision timelines

Timelines for making decisions related to official plans are changed from 210 to 120 days (see amendments to sections 17, 22 and 34), those related to zoning by-laws are changed from 150 to 90 days (see amendments to sections 34 and 36) and the timeline for making decisions related to plans of subdivision is changed from 180 to 120 days (see amendment to subsection 51 (34)).

2017 amendments to the Act

Certain amendments made to the Act by the *Building Better Communities and Conserving Watersheds Act, 2017* are repealed. These repeals include the repeal of provisions relating to appeals that were added by that Act to sections 17, 22 and 34. These provisions include subsections 17 (24.0.1) and (36.0.1) which restrict the grounds of appeal under subsection 17 (24) (decision to adopt an official plan) and subsection 17 (36) (decision to approve an official plan) to inconsistency with a policy statement, non-conformity with or conflict with a provincial plan or, in the case of the official plan of a lower-tier municipality, non-conformity with the upper-tier municipality's official plan. Also repealed are subsections 17 (49.1) to (49.12) which set out rules applicable to those appeals. The Schedule adds subsections 17 (25.1) and (37.1) and 34 (19.0.1) to require an appellant who intends to appeal on those grounds, to explain in the notice of appeal how the decision is inconsistent with, fails to conform with or conflicts with the other document.

Third party appeals for non-decisions on official plans

Currently, under subsection 17 (40), any person or public body may appeal to the Local Planning Appeal Tribunal with respect to all or part of an official plan in respect of which no notice of a decision was given within the specified timeline. In addition to changing the timeline to 120 days, subsection 17 (40), as re-enacted, gives appeal rights to the following persons or public bodies: the municipality that adopted the plan, the Minister and, in the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment.

Community benefits charge by-law

Currently, under subsection 37 (1), a local municipality may, in a zoning by-law, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law. Section 37, as re-enacted, replaces the current section 37 and also replaces the power to impose a development charge under the *Development Charges Act, 1997* in respect of services described in subsection 9.1 (3) of that Act. (See amendments to that Act set out in Schedule 3).

Under section 37, as re-enacted, a municipality may by by-law impose community benefits charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. Here are some highlights:

A community benefits charge may be imposed in respect of development or redevelopment that meets specified requirements set out in subsections 37 (3) and (4). Subsection 37 (5) provides that a community benefits charge may not be imposed with respect to facilities, services or matters that are prescribed or that are associated with any of the services set out in subsection 2 (4) of the *Development Charges Act, 1997*.

Under subsection 37 (12), the amount of the charge cannot exceed an amount equal to the prescribed percentage of the value of the land as of the day before the day the building permit is issued in respect of the development or redevelopment. A dispute resolution process is provided in cases where the landowner is of the view that the charge exceeds the maximum allowable charge.

Under subsection 37 (25), all money received under a community benefits charge by-law must be paid into a special account. Under subsection 37 (27), a municipality must spend or allocate 60 per cent of the monies in the special account each year.

Subsections 37 (29) to (31) are transitional provisions relating to the following: a special account established under repealed subsection 37 (5); a reserve fund established in accordance with the *Development Charges Act, 1997* in respect of services described in subsection 9.1 (3) of that Act; and any credit under section 38 of that Act that relates to any of those services.

New section 37.1 sets out transitional provisions relating to the repeal of current section 37.

Parkland by-laws under section 42

A local municipality may, under subsection 42 (1), pass a by-law applicable to the whole or any defined area of the municipality to require as a condition of development or redevelopment of land, that land in an amount not exceeding a specified amount be conveyed to the municipality for park or other public recreational purposes. Subsection 42 (2) is added to provide that, subject to a specified exception, a by-law under subsection 42 (1) is of no force and effect if a community benefits charge by-law under section 37, as re-enacted, passed by the municipality is in force.

Subsection 42 (3) currently provides that, as an alternative to requiring the conveyance provided under subsection 42 (1), the by-law may, in the case of land proposed for development or redevelopment for residential purposes, require that land be conveyed to the municipality for park or other public recreational purposes at a rate not exceeding the specified rate. Subsection 42 (3) and related subsections are repealed.

Currently, under subsection 42 (17), the treasurer of the municipality must give each year to council a financial statement relating to a special account the municipality is required to maintain under subsection 42 (15). Subsection 42 (17) and related subsections 42 (18) to (20) are repealed. Subsection 42 (17), as re-enacted, imposes reporting requirements on municipalities that pass a by-law under section 42.

Third party appeals of plans of subdivision

Currently, under subsection 51 (39), a person or public body has a right to appeal the decision of an approval authority to approve a plan of subdivision (including the lapsing provision and conditions) if the person or public body has, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority. Amendments to subsection 51 (39) add the requirement that the person also be a person listed in new subsection 51 (48.3). Similar amendments are made to appeal rights under subsections 51 (43) and (48).

Parkland condition to approval of plan of subdivision under section 51.1

Currently, under subsection 51.1 (1), the approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding a specified amount be conveyed to the local municipality for park or other public recreational purposes. Subsection 51.1 (6) is added to provide that the development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under section 37, as re-enacted, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection 51.1 (1) on or after the day section 37, as re-enacted, comes into force. New subsection 51.1 (7) sets out transitional provisions.

Currently, under subsection 51.1 (2), if specified requirements are met, a local municipality may require, as an alternative to the conveyance described in subsection 51.1 (1), that land be conveyed to the municipality for park or other public recreational purposes at a rate not exceeding the specified rate. Subsection 51.1 (2) and related subsections are repealed.

Mandatory development permit system

Currently, under section 70.2.2, the Minister and an upper-tier municipality may require a local municipality to adopt or establish a development permit system for one or more purposes as the Lieutenant Governor in Council may specify by regulation. The local municipality has discretion to determine what parts of its geographic area are to be governed by the development permit system. Under section 70.2.2, as re-enacted, the Minister may require a local municipality to adopt or establish a development permit system that applies to a specified area or to an area surrounding and including a specified location. If the order specifies a location (instead of an area), the local municipality is required to establish the system in respect of that location and has discretion to determine the boundaries of the area surrounding the specified location that is to be governed by the system.

Regulation-making powers

Several amendments are made to the regulation-making powers set out in sections 70.1 and 70.2. Section 70.10 is added to give the Minister the power to make regulations governing transitional matters.

SCHEDULE 13
WORKPLACE SAFETY AND INSURANCE ACT, 1997

The Schedule adds a section to the Act to provide that the Board may establish premium rates for partners and executive officers who perform no construction work that are different from premium rates established for the employers of the partners and executive officers and may adjust those rates.