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Report: MHC-19-020 Committee Date: May 14, 2019

Report To: Municipal Heritage Committee
Subject: Memorandum
Bill 108 - More Homes, More Choices Act, 2019

1. PURPOSE / PROPOSAL

The purpose of this memorandum is to inform the Municipal Heritage Committee (MHC) of proposed changes to the Ontario Heritage Act. The Act has not been substantially changed in nearly 15 years.

2. BACKGROUND

On May 2, 2019, the Government of Ontario announced the release of *Bill 108, More Homes, More Choice Act, 2019*. This Bill proposes to amend 13 different statutes, including the Ontario Heritage Act, in order to implement the Housing Supply Action Plan (which aims to streamline development approvals and increase housing supply). Comments and feedback on the proposed changes can be submitted to the Ontario Government by June 1, 2019.

3. DISCUSSION / ANALYSIS

The original Bill is attached as **Appendix A**, and summarized below. Proposed changes to the Ontario Heritage Act include:

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.

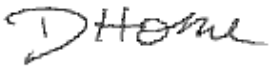
Section 70 of the Act is amended to provide regulation-making powers in connection with the amendments described above. Also, a new section 71 is added to give the Lieutenant Governor in Council the power to make regulations governing transitional matters.

Other technical and housekeeping amendments are also proposed.

4. Conclusion

Bill 108 remains subject to change as it passes through the legislative process. Staff will keep the Municipal Heritage Committee informed of changes as the Bill progresses.

Respectfully submitted,



**Denise Horne, MA, Diploma Heritage Conservation
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ATTACHMENTS



Bill 108.pdf

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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.

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

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Preamble

The Government of Ontario believes that increasing the supply of housing will help every person in Ontario by making housing more affordable. Many will be able to realize their dream of homeownership, while renters will see lower costs and a mix of housing types to choose from.

The government's vision is that all people and their families find a home that meets their needs and budget. The best way to achieve this is to increase housing supply by:

Fundamentally reshaping how development is approved around transit stations;

Lowering and providing certainty about municipal costs imposed on construction, which are passed on to homebuyers;

Replacing "let's make a deal" planning with a predictable system that benefits both current residents and homebuyers;

Allowing school boards and development partners to find innovative ways to finance new schools;

Expediting the land use planning appeals process and moving towards cost-recovery while ensuring community groups and residents have affordable access to appeals;

Reducing red tape for construction workers and job creators;

Prioritizing labour relations stability in the construction sector;

Giving municipal government greater authority over conservation authorities to make them more accountable;

Modernizing environmental assessments and protections to reduce duplication;

Improving environmental service standards;

Stopping illegal dumping and holding polluters to account;

Protecting species at risk while clarifying rules and paths to compliance to not unnecessarily burden development;

Protecting the environment and cultural heritage;

Supporting a vibrant agricultural sector and protecting employment lands; and

Protecting the Greenbelt.

Therefore, 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 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 *More Homes, More Choice Act, 2019*.

**SCHEDULE 1
CANNABIS CONTROL ACT, 2017**

1 (1) Section 18 of the *Cannabis Control Act, 2017* is amended by adding the following subsections:

No entry

(3.1) Until the final disposition of the charge, no person shall enter or attempt to enter a premises that is closed under subsection (1) or (2), subject to an order under subsection (4).

Exception

(3.2) Subsections (3) and (3.1) do not apply with respect to the entry, in exigent circumstances, of police officers or other emergency responders.

(2) Subsection 18 (7) of the Act is repealed.

2 The Act is amended by adding the following section:

Obstruction

21.1 No person shall hinder, obstruct or interfere with, or attempt to hinder, obstruct or interfere with, a police officer or person designated for the purposes of section 21 who is acting under this Act.

3 (1) Clause 23 (2) (a) of the Act is amended by striking out “a fine of not more than” and substituting “a fine of at least \$10,000 and not more than”.

(2) Clause 23 (2) (b) of the Act is amended by striking out “a fine of not more than” and substituting “a fine of at least \$5,000 and not more than”.

4 Paragraph 4 of section 24 of the Act is amended by striking out “subject to subsection 25 (11)” at the end.

5 (1) Section 25 of the Act is amended by adding the following subsections:

No entry

(2.1) No person shall enter or attempt to enter a premises that is closed under subsection (1) until the closing order is suspended or discharged under this section.

Exception

(2.2) Subsections (2) and (2.1) do not apply with respect to the entry, in exigent circumstances, of police officers or other emergency responders.

(2) Subsection 25 (11) of the Act is repealed.

Commencement

6 This Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

**SCHEDULE 2
CONSERVATION AUTHORITIES ACT**

1 The definition of “Minister” in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

2 Clause 13.1 (6) (c) of the Act is amended by striking out “of the Environment”.

3 The Act is amended by adding the following section:

Duty of members

14.1 Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority.

4. Section 21.1 of the Act is repealed and the following substituted:

Mandatory programs and services

21.1 (1) If a program or service that meets any of the following descriptions has been prescribed by the regulations, an authority shall provide the program or service within its area of jurisdiction:

1. Programs and services related to the risk of natural hazards.
2. Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
3. Programs and services related to the authority’s duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
4. Programs and services related to the authority’s duties, functions and responsibilities under an Act prescribed by the regulations.

Same, Lake Simcoe Region Conservation Authority

(2) In addition to the programs and services required to be provided under subsection (1), the Lake Simcoe Region Conservation Authority shall provide within its area of jurisdiction such programs and services as are prescribed by the regulations and are related to its duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*.

Standards and requirements

(3) Programs and services required to be provided under subsections (1) and (2) shall be provided in accordance with such standards and requirements as may be set out in the regulations.

Municipal programs and services

21.1.1 (1) An authority may provide within its area of jurisdiction municipal programs and services that the authority agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction under a memorandum of understanding or such other agreement as may be entered into with the municipality in respect of the programs and services.

Memorandum, agreement available to public

(2) An authority shall make a memorandum of understanding or other agreement available to the public in such manner as may be determined in the memorandum or agreement.

Periodic review of memorandum, agreement

(3) An authority and a municipality who have entered into a memorandum of understanding or other agreement shall review the memorandum or agreement at such regular intervals as may be determined in the memorandum or agreement.

Terms and conditions

(4) Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with the terms and conditions set out in the memorandum of understanding or agreement.

Other programs and services

21.1.2 (1) Subject to subsection (2), in addition to programs and services described in sections 21.1 and 21.1.1, an authority may provide within its area of jurisdiction such other programs and services as the authority determines are advisable to further its objects.

Agreement

(2) On and after the day prescribed by the regulations, if financing under section 25 or 27 by a participating municipality is necessary in order for an authority to provide a program or service authorized to be provided under subsection (1), the

program or service shall not be provided by the authority unless an agreement that meets the following criteria has been entered into between the authority and the participating municipality in respect of the program or service:

1. The agreement must provide for the participating municipality to pay to the authority,
 - i. an apportioned amount under section 25 in connection with a project related to the program or service, or
 - ii. an apportioned amount under section 27 in respect of the program or service.
2. The agreement must include provisions setting out the day on which the agreement terminates and a requirement that it be reviewed by the parties within the period specified in the regulations for the purpose of determining whether or not the agreement is to be renewed by the parties.
3. The agreement must meet such other requirements as may be prescribed by the regulations.

Terms and conditions

(3) Programs and services that an authority agrees to provide under an agreement entered into as described in subsection (2) shall be provided in accordance with such terms and conditions as may be set out in the agreement.

Transition plan re subs. 21.1.2 (2)

21.1.3 (1) Every authority shall develop and implement a transition plan for the purpose of ensuring that it will be in compliance with subsection 21.1.2 (2) by the day prescribed by the regulations for the purpose of that subsection.

Contents

(2) The transition plan shall address the following matters in accordance with the regulations:

1. Preparation by the authority of an inventory of the authority's programs and services.
2. Consultation by the authority with participating municipalities on the inventory of programs and services mentioned in paragraph 1.
3. If financing under section 25 or 27 by a participating municipality is necessary in order for the authority to provide a program or service authorized to be provided under subsection 21.1.2 (1), steps to be taken by the authority for the purposes of seeking to enter into an agreement with the participating municipality in respect of that program or service.
4. Such other matters as may be prescribed by the regulations.

Consultation

21.1.4 An authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and shall do so in the manner specified by regulation.

5 Section 23.1 of the Act is amended by adding the following subsections:

Investigator

(4) The Minister may, at any time, appoint one or more investigators to conduct an investigation of an authority's operations, including the programs and services it provides.

Powers of investigator

- (5) For the purposes of an investigation under subsection (4), an investigator may,
- (a) inquire into any or all of the authority's affairs, financial and otherwise;
 - (b) require the production of any records that may relate to the authority's affairs;
 - (c) inspect, examine, audit and copy anything required to be produced under clause (b);
 - (d) conduct a financial audit of the authority's operations, including its programs and services; and
 - (e) require any member of the authority and any other person to appear before the investigator and give evidence on oath about the authority's affairs.

Application of *Public Inquiries Act, 2009*

(6) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under subsection (4).

Report of investigator

(7) On completion of an investigation, an investigator shall report in writing to the Minister, who shall promptly transmit a copy of the report to the authority.

Cost of investigation

(8) The Minister may require the authority to pay all or part of the cost of an investigation under subsection (4).

6 Section 25 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any capital costs in connection with a project related to a program or service authorized to be provided under subsection 21.1.2 (1).

Same

(1.2) An authority shall include in the apportionment of capital costs to a participating municipality any capital costs in connection with a project related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2).

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice.

7 (1) Section 27 of the Act, as re-enacted by subsection 24 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any operating expenses related to a program or service authorized to be provided under subsection 21.1.2 (1).

Same

(1.2) An authority shall include in the apportionment of operating expenses to a participating municipality any operating expenses related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2).

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice.

(2) Subsection 27 (2) of the Act, as re-enacted by subsection 24 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “subsection (1)” wherever it appears and substituting in each case “subsections (1) and (1.1)”.

8 (1) The Act is amended by adding the following section:

Other amounts owing to authority

Specified municipality

27.2 (1) In this section,

“specified municipality” means, when used in reference to an authority,

- (a) a municipality that is designated under the regulations made under the *Clean Water Act, 2006* as a participating municipality for the authority for the purposes of that Act but that is not one of the authority’s participating municipalities under this Act, or
- (b) a municipality that is designated under the regulations made under the *Lake Simcoe Protection Act, 2008* as a participating municipality for the Lake Simcoe Region Conservation Authority for the purposes of that Act but that is not one of the authority’s participating municipalities under this Act.

Determination of amounts owing by specified municipality

(2) An authority may, from time to time and in accordance with the regulations, determine the amounts owed by any of its 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*.

Notice

(3) If the authority determines under subsection (2) that amounts are owing by any of its specified municipalities, the authority shall send a notice in writing to the specified municipality, setting out the amounts that the specified municipality owes to the authority.

Payment of amounts

(4) Subject to subsections (5) to (10), each specified municipality shall pay to the authority the amounts specified in the notice in accordance with the requirements set out in the notice.

Review of notice

(5) Any specified municipality that receives a notice under subsection (3) may, within 30 days after receiving the notice, apply to the Mining and Lands Commissioner, or to such other body as may be prescribed by regulation, for a review of the amounts owing.

Same

(6) The specified municipality that makes an application under subsection (5) shall send a copy of the notice of application to the authority and to every other participating municipality and specified municipality of the authority.

Hearing

(7) The Mining and Lands Commissioner, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the amounts owing, including considering whether the determination of the amounts owing was carried out in accordance with subsection (2).

Parties

(8) The parties to the hearing are the applicant municipality, the authority, any other participating municipality or specified municipality of the authority that requests to be a party and such other persons as the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may determine.

Powers on hearing

(9) Upon hearing an application under this section, the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may confirm or vary the amounts owing and may order the specified municipality to pay the amounts.

Decision final

(10) A decision under subsection (9) is final.

Debt due

(11) The amounts owed to the authority set out in a notice sent to a specified municipality or in an order under subsection (9), as the case may be, are a debt due by the specified municipality to the authority and may be enforced by the authority as such.

(2) Section 27.2 of the Act, as enacted by subsection (1), is amended by striking out “Mining and Lands Commissioner” wherever it appears and substituting in each case “Mining and Lands Tribunal”.

9 (1) Section 40 of the Act is repealed and the following substituted:

Regulations, Lieutenant Governor in Council

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

- (a) governing the composition of conservation authorities and prescribing additional requirements regarding the appointment and qualifications of members of conservation authorities;
- (b) governing advisory boards established under subsection 18 (2), including requiring authorities to establish one or more advisory boards and prescribing requirements with respect to the composition, functions, powers, duties, activities and procedures of any advisory board that is established;
- (c) prescribing programs and services for the purposes of subsections 21.1 (1) and (2) and prescribing Acts for the purposes of paragraph 4 of subsection 21.1 (1);
- (d) respecting standards and requirements applicable to programs and services for the purposes of subsection 21.1 (3);
- (e) governing the apportionment of an authority’s capital costs in connection with a project for the purposes of section 25;
- (f) governing reviews under sections 26 and 27.1, including prescribing a body that may conduct such reviews instead of the Local Planning Appeal Tribunal or the Mining and Lands Commissioner, as the case may be;
- (g) governing the apportionment of an authority’s operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are

required to pay under section 27, including the fixed amount that a participating municipality may be required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses;

- (h) defining any term that is used in this Act and that is not defined in this Act;
- (i) respecting anything that is necessary or advisable for the proper administration of this Act.

Same

(2) The standards and requirements established for programs and services in a regulation made under clause (1) (d) may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency.

Regulations, Minister

- (3) The Minister may make regulations,
 - (a) prescribing matters that may be the subject of by-laws made under clause 19.1 (1) (j);
 - (b) respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated;
 - (c) prescribing the period for the purposes of paragraph 2 of subsection 21.1.2 (2);
 - (d) prescribing requirements for the purposes of paragraph 3 of subsection 21.1.2 (2);
 - (e) governing the matters to be addressed in a transition plan under section 21.1.3 and prescribing additional matters to be addressed;
 - (f) governing consultations that an authority must carry out for the purposes of section 21.1.4;
 - (g) governing the information that authorities must provide to the Minister under section 23.1, including the publication of that information;
 - (h) prescribing a day for the purposes of subsections 25 (1.1) and 27 (1.1);
 - (i) prescribing circumstances for the purposes of subsections 25 (1.3) and 27 (1.3);
 - (j) governing the determination of amounts owed under subsection 27.2 (2).

(2) Section 40 of the Act, as re-enacted by subsection (1), is amended by adding the following subsection:

Minister's regulations, ss. 28 to 28.4 of the Act

- (4) The Minister may make regulations,
 - (a) governing the prohibitions set out in section 28, including,
 - (i) prescribing the limits on river and stream valleys for the purposes of subparagraph 2 iii of subsection 28 (1),
 - (ii) determining or specifying areas for the purposes of subparagraph 2 iv of subsection 28 (1),
 - (iii) determining areas in which development should be prohibited or regulated for the purposes of subparagraph 2 v of subsection 28 (1),
 - (iv) prescribing activities or types of activities to which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities or types of activities may be carried out and any conditions or restrictions that apply to the activity or type of activity,
 - (v) prescribing areas in which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities may be carried out in such areas and any conditions or restrictions that apply to carrying out activities in such areas,
 - (vi) defining "development activity", "hazardous land", "watercourse" and "wetland" for the purposes of section 28;
 - (b) governing applications for permits under section 28.1, the issuance of the permits and the power of authorities to refuse permits, including prescribing requirements that must be met for the issuance of permits under clause 28.1 (1) (c), conditions that may be attached to a permit or circumstances in which a permit may be cancelled under section 28.3 and respecting the period for which a permit is valid under section 28.2;
 - (c) defining "pollution" for the purposes of section 28.1;
 - (d) governing the delegation of powers by an authority under section 28.4 and prescribing any limitations or requirements related to the delegation.

(3) Clause 40 (1) (f) of the Act, as enacted by subsection (1), is amended by striking out "Mining and Lands Commissioner" and substituting "Mining and Lands Tribunal".

Repeals

10 (1) Subsection 20 (2) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* is repealed.

(2) Section 33 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* is repealed.

Commencement

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

(2) Section 10 comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

**SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997**

1 Section 1 of the *Development Charges Act, 1997* is amended by adding the following definition:

“waste diversion services” means services related to waste management, but not including,

- (a) landfill sites and services, and
- (b) facilities and services for the incineration of waste.

2 Subsections 2 (3) and (4) of the Act are repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

- (a) permit the enlargement of an existing dwelling unit; or
- (b) permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.

Exemption for second dwelling units in new residential buildings

(3.1) The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.

What services can be charged for

(4) A development charge by-law may impose development charges to pay for increased capital costs required because of increased needs only for the following services:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Storm water drainage and control services.
4. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.
5. Electrical power services.
6. Policing services.
7. Fire protection services.
8. Toronto-York subway extension, as defined in subsection 5.1 (1).
9. Transit services other than the Toronto-York subway extension.
10. Waste diversion services.
11. Other services as prescribed.

3 (1) Paragraph 4 of subsection 5 (1) of the Act is amended by striking out “The estimate also must not include an increase in the need for service that relates to a time after the 10-year period immediately following the preparation of the background study unless the service is set out in subsection (5)” at the end.

(2) Paragraph 8 of subsection 5 (1) of the Act is repealed.

(3) Subsection 5 (3) of the Act is amended by adding “and” at the end of subparagraph 4 i, by striking out “and” at the end of subparagraph 4 ii and by repealing subparagraph 4 iii.

(4) The English version of paragraph 6 of subsection 5 (5) of the Act is amended by striking out “Police” and substituting “Policing”.

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

4 Subsection 7 (1) of the Act is repealed and the following substituted:

Categories of services

(1) A development charge by-law may provide for services to be grouped into a category of services.

5 (1) The Act is amended by adding the following section:

Transitional matters respecting community benefits under *Planning Act*

By-law remains in force

9.1 (1) Despite subsection 9 (1), a development charge by-law that would expire on or after May 2, 2019 and before the prescribed date shall remain in force as it relates to the services described in subsection (3) until the earlier of,

- (a) the day it is repealed;
- (b) the day the municipality passes a by-law under subsection 37 (2) of the *Planning Act* as re-enacted by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*; and
- (c) the prescribed date.

By-law deemed to expire

(2) Unless it is repealed earlier, a development charge by-law that would expire on or after the prescribed date is deemed to have expired as it relates to the services described in subsection (3) on the earlier of,

- (a) the day the municipality passes a by-law under subsection 37 (2) of the *Planning Act* as re-enacted by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*; and
- (b) the prescribed date.

Services

(3) The services referred to in subsections (1) and (2) are all services other than,

- (a) the services set out in subsection 5 (5) as that subsection read immediately before the *More Homes, More Choice Act, 2019* received Royal Assent; and
- (b) waste diversion services.

(2) Subsection 9.1 (1) of the Act, as enacted by subsection (1), is amended by striking out “Despite subsection 9 (1)” at the beginning and substituting “Despite subsections 2 (4) and 9 (1)”.

(3) Section 9.1 of the Act, as enacted by subsection (1), is amended by adding the following subsection:

Same

(4) While it is in force, a development charge by-law referred to in subsection (2) continues to apply to the services described in subsection (3), despite subsection 2 (4).

6 Clause 10 (2) (b) of the Act is amended by striking out “8” and substituting “7”.

7 Subsection 26 (2) of the Act is amended by striking out “subsection 5 (5)” and substituting “subsection 2 (4)”.

8 (1) The Act is amended by adding the following sections:

Certain types of development, when charge payable

26.1 (1) Despite section 26, a development charge in respect of any part of a development that consists of a type of development set out in subsection (2) is payable in accordance with this section.

Same

(2) The types of development referred to in subsection (1) are the following:

1. Rental housing development.
2. Institutional development.
3. Industrial development.
4. Commercial development.
5. Non-profit housing development.

Six annual instalments

(3) A development charge referred to in subsection (1) shall be paid in equal 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, and continuing on the following five anniversaries of that date.

Amount of charge

(4) The amount of a development charge referred to in subsection (1) is the amount of the development charge determined in accordance with section 26.2, regardless of whether the by-law under which the amount of the development charge would be determined is no longer in effect on the date an instalment is payable.

Notice of occupation

(5) A person required to pay a development charge referred to in subsection (1) shall, unless the occupation of the building in respect of which the development charge is required is authorized by a permit under the *Building Code Act, 1992*, notify the municipality within five business days of the building first being occupied.

Failure to provide notice

(6) If a person described in subsection (5) fails to comply with that subsection, the development charge, including any interest payable in accordance with subsection (7), is payable immediately.

Interest

(7) A municipality may charge interest on the instalments required by subsection (3) from the date the development charge would have been payable in accordance with section 26 to the date the instalment is paid, at a rate not exceeding the prescribed maximum interest rate.

Unpaid amounts added to taxes

(8) Section 32 applies to instalments required by subsection (3) and interest charged in accordance with subsection (7), with necessary modifications.

Change in type of development

(9) If any part of a development to which this section applies is changed so that it no longer consists of a type of development set out in subsection (2), the development charge, including any interest payable, but excluding any instalments already paid in accordance with subsection (3), is payable immediately.

Transition, date charge payable

(10) This section does not apply to a development charge that becomes payable before the day subsection 8 (1) of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force.

Agreement prevails

(11) This section does not apply in cases where there is an agreement under section 27.

When amount of development charge is determined

26.2 (1) The total amount of a development charge is the amount of the development charge that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of the *Planning Act* was made in respect of the development that is the subject of the development charge;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made in respect of the development that is the subject of the development charge; or
- (c) if neither clause (a) nor clause (b) applies,
 - (i) in the case of a development charge in respect of a development to which section 26.1 applies, the day the development charge would be payable in accordance with section 26 if section 26.1 did not apply, or
 - (ii) in the case of a development charge in respect of a development to which section 26.1 does not apply, the day the development charge is payable in accordance with section 26.

Same, if by-law not in effect

(2) Subsection (1) applies regardless of whether the by-law under which the amount of the development charge would be determined is no longer in effect on the date the development charge is payable.

Interest

(3) Where clause (1) (a) or (b) applies, the municipality may charge interest on the development charge, at a rate not exceeding the prescribed maximum interest rate, from the date of the application referred to in the applicable clause to the date the development charge is payable.

More than one application

(4) If a development was the subject of more than one application referred to in clause (1) (a) or (b), the later one is deemed to be the applicable application for the purposes of this section.

Exception, prescribed amount of time elapsed

(5) Clauses (1) (a) and (b) do not apply in respect of,

- (a) any part of a development to which section 26.1 applies if, on the date the first building permit is issued for the development, more than the prescribed amount of time has elapsed since the application referred to in clause (1) (a) or (b) was approved; or

- (b) any part of a development to which section 26.1 does not apply if, on the date the development charge is payable, more than the prescribed amount of time has elapsed since the application referred to in clause (1) (a) or (b) was approved.

Transition, date of application

(6) Clauses (1) (a) and (b) do not apply in the case of an application made before the day subsection 8 (1) of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force.

Agreement prevails

(7) This section does not apply in cases where there is an agreement under section 27.

(2) Section 26.2 of the Act, as enacted by subsection (1), is amended by adding the following subsections:

Transition, Planning Act matters

(6.1) This section does not apply to development charges that are payable under a development charge by-law that applies in accordance with paragraph 3 of subsection 37.1 (3) of the *Planning Act* or paragraph 5 of subsection 51.1 (7) of that Act.

Transition, eligible services

(6.2) Beginning on the earlier of the following dates, the total amount of a development charge for the purposes of subsection (1) shall not include the amount of a development charge in respect of a service unless the service is set out in subsection 2 (4):

1. The day the municipality passes a by-law under subsection 37 (2) of the *Planning Act* as re-enacted by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*.
2. The date prescribed for the purposes of section 9.1.

9 Subsection 32 (1) of the Act is amended by adding “including any interest payable in respect of it in accordance with this Act” after “the amount unpaid”.

10 Section 35 of the Act is amended by striking out “8” and substituting “7”.

11 (1) Subsection 44 (2) of the Act is amended by striking out “subsection 5 (5)” at the end and substituting “subsection 2 (4)”.

(2) Subsection 44 (4) of the Act is amended by striking out “Section 4 applies” at the beginning and substituting “Subsection 2 (3.1) and section 4 apply”.

12 Section 52 of the Act is amended by adding the following subsections:

Special case, certain types of development

(3.1) Despite subsections (2) and (3), an amount that is payable under subsection (1) in respect of any part of a development that consists of a type of development set out in subsection 26.1 (2) is payable in accordance with subsections 26.1 (3), (5), (6) and (9), with necessary modifications.

Transition, date of agreement

(3.2) Subsection (3.1) does not apply to an amount that is payable under subsection (1) in respect of a front-ending agreement entered into before the day section 12 of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force.

13 (1) Clause 60 (1) (b) of the Act is repealed and the following substituted:

- (b) for the purposes of clause 2 (3) (b), prescribing classes of residential buildings, prescribing the maximum number of additional dwelling units for buildings in such classes, prescribing structures, prescribing restrictions and governing what constitutes a separate building;

(2) Subsection 60 (1) of the Act is amended by adding the following clause:

- (b.1) for the purposes of subsection 2 (3.1), prescribing classes of residential buildings, prescribing restrictions and governing what constitutes a separate building;

(3) Clause 60 (1) (c) of the Act is repealed and the following substituted:

- (c) clarifying or defining terms used in paragraphs 1 to 7, 9 and 10 of subsection 2 (4);

(c.1) prescribing services for the purposes of paragraph 11 of subsection 2 (4);

(4) Clauses 60 (1) (l) and (m) of the Act are repealed.

(5) Subsection 60 (1) of the Act is amended by adding the following clause:

- (m.5) prescribing a date for the purposes of section 9.1;

(6) Subsection 60 (1) of the Act is amended by adding the following clauses:

- (s.1) governing the types of development set out in subsection 26.1 (2);

(s.2) prescribing the maximum rate of interest for the purposes of subsections 26.1 (7) and 26.2 (3);

(s.3) prescribing the amount of time for the purposes of clauses 26.2 (5) (a) and (b);

14 The Act is amended by adding the following section:

Regulations respecting transition, 2019 amendments

60.1 The Lieutenant Governor in Council may make regulations,

- (a) setting out transitional rules dealing with matters not specifically dealt with in the amendments to this Act made by Schedule 3 to the *More Homes, More Choice Act, 2019*;
- (b) clarifying the transitional rules set out in the amendments to this Act made by Schedule 3 to the *More Homes, More Choice Act, 2019*.

Repeals

15 (1) Schedule 1 to the *Promoting Affordable Housing Act, 2016* is repealed.

(2) Section 14 of Schedule 4 to the *Comprehensive Ontario Police Services Act, 2019* is repealed.

Commencement

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

(2) Section 1, subsections 3 (4), 5 (1) and 13 (5) and sections 14 and 15 come into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

**SCHEDULE 4
EDUCATION ACT**

1 Subsection 195 (1) of the *Education Act* is repealed and the following substituted:

Board may purchase or apply to expropriate within its jurisdiction

(1) Subject to subsections (1.1) and (1.2), and to the provisions of section 90 as to the approval of the site of a new school by a rural separate school board, every board may select and may acquire, by purchase, lease or otherwise, or may expropriate, a school site or any other land that is within its area of jurisdiction.

Notice of intent to acquire

(1.1) Before a board acquires or applies for an approval to expropriate a school site or any other land under subsection (1), the board shall give notice to the Minister, within the prescribed time period and in the manner and form specified by the Minister, of the board's intent to acquire or apply to expropriate the land.

Minister's response

(1.2) If the Minister notifies the board, within the prescribed time period, that the proposed acquisition or application to expropriate referred to in subsection (1.1) shall not proceed, the board shall not proceed with the acquisition or the application to expropriate.

Same

(1.3) If the Minister does not notify the board under subsection (1.2) that the proposed acquisition or application to expropriate referred to in subsection (1.1) shall not proceed, the board may proceed with the acquisition or the application to expropriate.

Regulations

(1.4) The Minister may make regulations prescribing the time periods referred to in subsections (1.1) and (1.2).

2 Subsection 257.53 (1) of the Act is amended by adding the following definitions:

“alternative project” means a project, lease or other prescribed measure, approved by the Minister under section 257.53.1, that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land; (“projet de rechange”)

“localized education development agreement” means an agreement between a board and an owner described in subsection 257.53.2 (1); (“entente d'aménagement scolaire spécifique à un emplacement”)

3 The Act is amended by adding the following sections:

ALTERNATIVE PROJECTS

Alternative project

257.53.1 (1) Before an education development charge by-law is passed under subsection 257.54 (1), a board may request and the Minister may approve, in accordance with subsection (2), an allocation of revenue raised by charges imposed by the by-law towards an alternative project.

Minister's approval

(2) A board may allocate revenue raised by charges imposed by an education development charge by-law towards an alternative project if,

- (a) the board provides the Minister with the plans related to the proposed allocation of revenue towards the alternative project and any other information requested by the Minister that relates to the project; and
- (b) the Minister, after considering any prescribed criteria, approves of the proposed allocation.

Changes to approved project

(3) Before a board makes any changes to an alternative project or to a proposed allocation of revenue approved under subsection (2), the board shall provide to the Minister, within the prescribed time period, notice of the proposed changes and any updated plans and information referred to in clause (2) (a).

Same

(4) If the Minister, after considering any prescribed criteria, notifies the board within the prescribed time period that the proposed changes referred to in subsection (3) shall not be made, the board shall not make the changes.

Same

(5) If the Minister does not notify the board under subsection (4) that the proposed changes referred to in subsection (3) shall not be made, the board may make the changes.

LOCALIZED EDUCATION DEVELOPMENT AGREEMENTS

Exemption for localized education development agreement

257.53.2 (1) Before an education development charge by-law is passed under subsection 257.54 (1), a board may, in accordance with subsection (2), enter into a localized education development agreement with an owner of land that would be subject to the imposition of education development charges under the by-law, in which,

- (a) the owner provides a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation; and
- (b) the board agrees not to impose education development charges against the land that would otherwise be subject to the charges.

Minister's approval

(2) A board may enter into a localized education development agreement if,

- (a) the board provides the Minister with the proposed agreement and any other information requested by the Minister that relates to the agreement; and
- (b) the Minister, after considering any prescribed criteria, approves of the board entering into the agreement.

Effect of agreement

(3) If the Minister approves of and the board enters into a localized education development agreement, the land that is the subject of the agreement that would otherwise be subject to the imposition of education development charges under a by-law passed under subsection 257.54 (1) is exempt from those charges.

Notification to Minister if no agreement

(4) If the board receives the Minister's approval under clause (2) (b) but does not enter into the agreement, the board shall notify the Minister that it did not enter into the agreement.

4 (1) Subsection 257.61 (2) is amended by striking out "and" at the end of clause (c) and by repealing clause (d) and substituting the following:

- (d) a description of any alternative projects that the board intends to allocate education development charges revenue towards;
- (e) a description of any localized education development agreements that the board intends to enter into; and
- (f) such other information as may be prescribed.

(2) Section 257.61 is amended by adding the following subsections:

Update of background study

(3) If the board receives the Minister's approval to allocate revenue raised by charges imposed by an education development charge by-law towards an alternative project under clause 257.53.1 (2) (b), but does not proceed with the allocation, the board shall update any information included in the background study accordingly.

Same

(4) If the board receives the Minister's approval to enter into a localized education development agreement under clause 257.53.2 (2) (b), but does not enter into the agreement, the board shall update any information included in the background study accordingly.

5 Section 257.63 of the Act is amended by adding the following subsections:

Requirements of notice

(1.1) The notice referred to in clause (1) (b) must meet the requirements prescribed in the regulations.

Consideration of representations

(2.1) Following the meeting, or if there is more than one meeting, following the final meeting held under this section with respect to the proposed by-law, the board, in determining whether to make any changes to the background study or to the proposed by-law, shall consider,

- (a) any representations relating to the proposed by-law made under subsection (2); and
- (b) any alternative projects or localized education development agreements that were proposed through any representations made under subsection (2).

6 Subsection 257.70 (2) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Limitation

(2) Each of the following amendments to an education development charge by-law may only be passed once in the one-year period immediately following the coming into force of the by-law and in each subsequent one-year period:

7 (1) Subsection 257.101 (1) of the Act is amended by adding the following clauses:

(a.1) governing any terms, conditions and limitations that may be imposed on the allocation of revenue raised by charges imposed by an education development charge by-law towards an alternative project or that must be included in a localized education development agreement;

(t) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments to this Division made by Schedule 4 to the *More Homes, More Choice Act, 2019*.

(2) Clause 257.101 (1) (e) is repealed and the following substituted:

(e) governing the expiry of education development charge by-laws;

(3) Section 257.101 is amended by adding the following subsection:**Regulations, transition**

(3) A regulation made under clause (1) (t) may provide that it applies despite this Act.

Commencement

8 (1) Subject to subsection (2), this Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

(2) Sections 2, 3, 4, 5 and 7 come into force on the later of November 1, 2019 and the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

**SCHEDULE 5
ENDANGERED SPECIES ACT, 2007**

1 (1) Subsection 2 (1) of the *Endangered Species Act, 2007* is amended by adding the following definitions:

“Agency” means the corporation established by regulation under section 20.4; (“Agence”)

“conservation fund species” means a species that is designated under subsection 20.1 (3) for the purposes of the Fund; (“espèce ciblée par le fonds de conservation”)

“Fund” means the Species at Risk Conservation Fund established under section 20.1; (“Fonds”)

“operating agreement” means an operating agreement entered into by the Minister and the Agency under section 20.11; (“accord de fonctionnement”)

“species conservation charge” means a charge that is paid to the Agency in accordance with section 20.3; (“redevance pour la conservation des espèces”)

(2) Clause (a) of the definition of “habitat” in subsection 2 (1) of the Act is amended by striking out “clause 55 (1) (a)” and substituting “clause 56 (1) (a)”.

(3) The definition of “Minister” in subsection 2 (1) of the Act is amended by striking out “Minister of Natural Resources” and substituting “Minister of the Environment, Conservation and Parks”.

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

First time listing

(3) For greater certainty, a reference in this Act to a species being listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time is a reference to a species being so listed in circumstances where the species has not been previously listed as either an endangered species or a threatened species.

2 Clauses 3 (4) (a) and (b) of the Act are repealed and the following substituted:

- (a) a scientific discipline such as conservation biology, ecology, genetics, population dynamics, taxonomy, systematics or wildlife management; or
- (b) community knowledge or aboriginal traditional knowledge.

3 Section 5 of the Act is amended by adding the following subsections:

Criteria for classification

(4) The criteria for assessing and classifying species as endangered, threatened or special concern species under paragraph 1 of subsection 4 (1) shall include considerations of,

- (a) the species’ geographic range in Ontario; and
- (b) the condition of the species across the broader biologically relevant geographic range in which it exists both inside and outside of Ontario.

Same

(5) If consideration of the condition of the species both inside and outside of Ontario under clause (4) (b) would result in a species classification indicating a lower level of risk to the survival of the species than would result if COSSARO considered the condition of the species inside Ontario only, COSSARO’s classification of a species shall reflect the lower level of risk to the survival of the species.

4 Section 6 of the Act is repealed and the following substituted:

Reports by COSSARO

Annual report

6 (1) Between January 1 and January 31 of each year, COSSARO shall submit an annual report to the Minister that sets out,

- (a) the classification of each species that COSSARO has classified since its last annual report, as an extinct, extirpated, endangered, threatened or special concern species; and
- (b) the reasons for the classification.

Same

(2) The annual report may also state that,

- (a) an assessment of a species indicates that it is not at risk; or
- (b) there is insufficient information available to classify a species.

Additional reports

- (3) COSSARO shall not submit an additional report with respect to the classification of species to the Minister unless,
- (a) the Minister has requested that COSSARO classify a species or reconsider its classification of a species under section 8; or
 - (b) COSSARO is of the opinion that a species that is not listed on the Species at Risk in Ontario List as extirpated, endangered or threatened, may be facing imminent extinction or extirpation.

5 (1) Subsection 7 (4) of the Act is amended by striking out “three months” and substituting “12 months”.

(2) Section 7 of the Act is amended by adding the following subsection:

Same

(4.1) The 12-month period referred to in subsection (4) applies with respect to any report from COSSARO received by the Minister in 2019 before the day subsection 5 (1) of Schedule 5 of the *More Homes, More Choice Act, 2019* comes into force.

(3) Subsections 7 (7) to (10) of the Act are repealed.

6 (1) Subsection 8 (2) of the Act is amended by striking out “is not appropriate” and substituting “may not be appropriate”.

(2) Subsections 8 (3) and (4) of the Act are repealed and the following substituted:

Same

(3) If COSSARO has reported to the Minister its classification of a species as an extirpated, endangered, threatened or special concern species but the Species at Risk in Ontario List has not yet been amended in accordance with section 7 to reflect the classification, the Minister, if of the opinion that credible scientific information indicates that the classification may not be appropriate, may require COSSARO to,

- (a) reconsider the classification; and
- (b) not later than the date specified by the Minister, submit a second report to the Minister under section 6 which shall either confirm the classification of the species in the first report or reclassify the species.

Notice

(4) Upon requiring COSSARO to reconsider a classification of a species under subsection (3), the Minister shall publish a notice of the requirement for a classification reconsideration on a website maintained by the Government of Ontario.

Content of notice

(4.1) A notice under subsection (4) shall,

- (a) state that the Minister is of the opinion that credible scientific information indicates that the classification of the species in COSSARO’s first report may not be appropriate;
- (b) sets out the reasons for the Minister’s opinion; and
- (c) sets out the date by which COSSARO is required to submit a second report to the Minister under section 6 which shall either confirm the classification of the species in the first report or reclassify the species.

Timing of amendments to regulation

(4.2) If the Minister requires under subsection (3) that COSSARO reconsider its classification of a species set out in a first report made under section 6,

- (a) the requirement under subsection 7 (4) for the Ministry official to make and file an amendment to the Species at Risk in Ontario List within 12 months after the day the first report is received no longer applies with respect to the species; and
- (b) the Ministry official shall, not later than 12 months after the day the second report is received from COSSARO in accordance with clause (3) (b), make and file an amendment to the Species at Risk in Ontario List so that it accurately reflects information relating to the species contained in the second report.

7 The Act is amended by adding the following sections:

Temporary suspension of protections upon initial listing

8.1 (1) Subject to subsections (2) and (3), the Minister may, by regulation, order that, as of the day a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, the application to the species of all or some of the prohibitions in subsections 9 (1) and 10 (1) shall be temporarily suspended.

Timing

(2) An order under subsection (1) shall be made by the Minister after he or she receives a report from COSSARO under section 6 classifying a species as endangered or threatened but before the amendment is made to the Species at Risk in Ontario List under section 7 to reflect the new classification of the species by COSSARO.

Criteria

- (3) The Minister may make an order under subsection (1) only if,
- (a) before the report was submitted by COSSARO under section 6, the species was not listed as an endangered or threatened species on the Species at Risk in Ontario List;
 - (b) the Minister is of the opinion that,
 - (i) the application of the prohibitions would likely have significant social or economic implications for all or parts of Ontario and, as a result, additional time is required to determine the best approach to protecting the species and its habitat, and
 - (ii) the temporary suspension will not jeopardize the survival of the species in Ontario; and
 - (c) the Minister is of the opinion that the species meets at least one of the following criteria:
 - (i) the species is broadly distributed in the wild in Ontario,
 - (ii) the amount, quality and availability of the species' habitat in Ontario is not currently limiting its survival or recovery in Ontario,
 - (iii) addressing the primary threats to the species is not currently possible or feasible and additional time is needed to assess the best approach to addressing those threats,
 - (iv) successfully reducing the primary threats to the species requires the cooperation of other jurisdictions and additional time is needed to address the inter-jurisdictional complexities of addressing those threats, or
 - (v) any other criteria prescribed by the regulations made by the Lieutenant Governor in Council.

Order

- (4) An order under subsection (1) shall,
- (a) identify the species to which it relates;
 - (b) specify the prohibitions in subsections 9 (1) and 10 (1), the application of which will be suspended under the order;
 - (c) set out the date on which the suspension of the specified prohibitions will end, subject to subsection (5); and
 - (d) state the reason for the suspension.

Period of suspension

- (5) An order under subsection (1) shall provide that the period of suspension,
- (a) begins immediately upon the species being listed on the Species at Risk in Ontario List as endangered or threatened, as the case may be; and
 - (b) ends on the date set out in the order which shall be no later than three years after the day on which the species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time.

Geographic areas

- (6) An order under subsection (1) may be limited to one or more geographic areas described in the order.

Change of species' name

(7) An order may not be made under this section with respect to a species if, before the species classification set out in the most recent COSSARO report submitted under section 6, the species, or some members of the species, were classified under a different common or scientific name that appeared on the Species at Risk in Ontario List as belonging to an endangered or threatened species.

Effect of order

(8) For greater certainty, the making of an order under subsection (1) with respect to a species does not relieve the Minister of any obligations in sections 11, 12, 12.1 or 12.2 with respect to that species.

Delay of prohibitions upon initial listing

8.2 (1) Where a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, the prohibitions in clause 9 (1) (a), the prohibitions against possessing and transporting things under clause 9 (1) (b) and

the prohibitions in subsection 10 (1) shall not apply to the following persons for a period of one year starting on the day the species is so listed:

1. A person engaged in an activity under a permit that was issued under subsection 17 (1) or 19 (3) before the species is so listed.
2. A person engaged in an activity under an agreement that was entered into under subsection 16 (1), 16.1 (3) or 19 (1) before the species is so listed.

Where prohibitions suspended under s. 8.1

(2) Despite subsection (1), if the Minister makes an order under section 8.1 temporarily suspending the application of all or some of the prohibitions referred to in subsection (1) with respect to a species upon that species being listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, those prohibitions shall not apply to a person referred to in subsection (1) for a further period of one year starting immediately after the end of the period of temporary suspension.

Limitations

(3) Subsections (1) and (2) authorize a person to carry out an act that would otherwise be prohibited under clause 9 (1) (a) and subsection 10 (1) or to possess or transport something contrary to clause 9 (1) (b), subject to the following limitations:

1. The person shall take reasonable steps to minimize the adverse effects of the activity that was authorized by the permit or agreement referred to in subsection (1) on the species that is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time.
2. The person shall carry out the acts or possess or transport something only if doing so is,
 - i. necessarily incidental to the activity that was authorized by the permit or agreement referred to in subsection (1), or
 - ii. necessary for the purpose of taking the reasonable steps mentioned in paragraph 1.

Change of species' name

(4) Subsection (1) does not apply to a regulation that lists a species on the Species at Risk in Ontario List as an endangered or threatened species for the first time, based on a species classification set out in the most recent COSSARO report submitted under section 6, if before the listing, the species, or some members of the species, were classified under a different common or scientific name that appeared on the Species at Risk in Ontario List as belonging to an endangered or threatened species.

8 (1) Section 9 of the Act is amended by adding the following subsections:

Exception, temporary suspension order

(1.1) If a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, the application of the prohibitions in subsection (1) with respect to the species is subject to any order made under section 8.1.

Exception, species regulations

(1.2) Subject to section 57, the Minister may, by regulation, limit the application of the prohibitions in subsection (1) with respect to a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species.

Same

(1.3) Without limiting the generality of subsection (1.2), a regulation under that subsection may,

- (a) provide that some of the prohibitions in subsection (1) do not apply with respect to a species or provide that they do not apply in specified circumstances;
- (b) limit the geographic areas to which all or some of the prohibitions in subsection (1) apply, or the times at which they apply, with respect to a species;
- (c) limit the application of all or some of the prohibitions in subsection (1) to a specified stage in the development of a species; or
- (d) provide that a limitation set out in the regulation is subject to specified conditions.

Consideration of government response statement

(1.4) Before a regulation is made under subsection (1.2), the Minister shall consider any government response statement that has been published under section 12.1 with respect to any species affected by the regulation.

(2) Subsections 9 (4) and (5) of the Act are repealed and the following substituted:

Possession and transport by Crown

(4) Clause (1) (b) does not apply to possession or transport of a species by the Crown.

Same, persons or body

(5) Clause (1) (b) does not apply to possession or transport of a species by a person or body if the Minister has authorized the person or body to possess or transport the species for,

- (a) scientific or educational purposes; or
- (b) traditional cultural, religious or ceremonial purposes.

Conditions

(5.1) An authorization granted under subsection (5) is subject to such conditions as the Minister may specify in the authorization.

9 Subsection 10 (3) of the Act is repealed and the following substituted:**Exception, suspension of protections**

(3) If a species is listed on the Species at Risk in Ontario List as an endangered or threatened species for the first time, the application of the prohibition in clause (1) (a) with respect to the habitat of the species is subject to any order made under section 8.1.

10 (1) Subsection 11 (1) of the Act is repealed and the following substituted:**Recovery strategies**

(1) The Minister shall ensure that a strategy is prepared for the recovery of each species that is listed on the Species at Risk in Ontario List as an endangered or threatened species and the strategy shall set out advice and recommendations to the Minister in accordance with subsection (2).

(2) Subparagraph 3 iii of subsection 11 (2) of the Act is amended by striking out “clause 55 (1) (a)” and substituting “clause 56 (1) (a)”.

(3) Subsection 11 (4) of the Act is amended by adding “or” at the end of clause (a), by striking out “or” at the end of clause (b) and by striking out clause (c).

(4) Subsection 11 (5) of the Act is amended by striking out “the environmental registry established under the *Environmental Bill of Rights, 1993*” in the portion before clause (a) and substituting “a website maintained by the Government of Ontario”.

(5) Subsections 11 (8) to (12) of the Act are repealed and the following substituted:

Feasibility

(8) The Minister may consider social and economic factors in reaching his or her opinion on whether reintroduction of the species in Ontario is feasible for the purpose of subsection (7).

11 (1) Subsection 12 (1) of the Act is repealed and the following substituted:

Management plans for special concern species

(1) The Minister shall ensure that a management plan is prepared for each species that is listed on the Species at Risk in Ontario List as a special concern species and the plan shall set out advice and recommendations to the Minister on approaches for the management of the species in Ontario.

(2) Subsection 12 (4) of the Act is amended by striking out “the environmental registry established under the *Environmental Bill of Rights, 1993*” in the portion before clause (a) and substituting “a website maintained by the Government of Ontario”.

(3) Subsections 12 (5) to (8) of the Act are repealed.

12 The Act is amended by adding the following sections:

Government response statements

12.1 (1) Where a recovery strategy or management plan is prepared under section 11 or 12, the Minister shall publish a statement that sets out the policy with respect to the actions that the Government of Ontario intends to take in response to the recovery strategy or management plan, and the Government’s priorities with respect to taking those actions.

Place of publication

(2) A government response statement shall be published on a website maintained by the Government of Ontario.

Time limit

(3) A government response statement shall be published within nine months after the recovery strategy or management plan is made available to the public, subject to subsection (4).

Same

(4) The time limit in subsection (3) does not apply to a government response statement if, before the expiry of the nine months, the Minister publishes a notice on a website maintained by the Government of Ontario that,

- (a) states that the Minister is of the opinion that additional time is required to prepare the statement;
- (b) sets out the reasons for the Minister's opinion; and
- (c) provides an estimate of when the statement will be published.

Implementation

(5) The Minister shall ensure the implementation of any actions referred to in a government response statement that, in the opinion of the Minister, are feasible and are within the responsibilities of the Minister.

Priorities

(6) If government response statements have been published under this section in respect of more than one species, the Minister may, in implementing actions under subsection (5), determine the relative priority to be given to the implementation of actions referred to in those statements.

Feasibility

(7) The Minister may consider social and economic factors in reaching his or her opinion on whether actions referred to in a government response statement are feasible for the purpose of subsection (5).

Review of progress

12.2 (1) Where a government response statement is published under section 12.1 in response to a recovery strategy prepared in respect of a threatened, endangered or extirpated species, the Minister shall ensure that a review is conducted of the progress towards the protection and recovery of the species.

Time limit

(2) A review under subsection (1) shall be conducted no later than,

- (a) the time specified in the government response statement; or
- (b) if no time is specified in the government response statement, five years after the government response statement is published.

13 Subsection 16 (2) of the Act is amended by striking out “any statement that has been published under subsection 11 (8)” and substituting “any government response statement that has been published under section 12.1”.

14 The Act is amended by adding the following section:

Landscape agreements

16.1 (1) An agreement entered into under this section shall meet the following requirements:

1. The agreement authorizes a party to the agreement to carry out multiple activities throughout a geographic area of the Province identified in the agreement.
2. The authorized activities would otherwise be prohibited under section 9 or 10 with respect to one or more species specified in the agreement (the impacted species) and listed on the Species at Risk in Ontario List as an endangered or threatened species.
3. The agreement requires that the authorized party execute specified beneficial actions that will assist with the protection or recovery of one or more species specified in the agreement (the benefiting species) that exist within the identified geographic area and are listed on the Species at Risk in Ontario List as an endangered, threatened or special concern species.

Benefiting species

(2) The benefiting species under a landscape agreement are not required to be an impacted species under that agreement, subject to clause (3) (a).

Criteria for agreement

(3) The Minister may enter into a landscape agreement only if,

- (a) the Minister is satisfied that at least one of the benefiting species specified in the agreement is also an impacted species under the agreement;
- (b) the Minister is satisfied that,
 - (i) the authorized party who enters into the agreement with the Minister meets any eligibility requirements prescribed by the regulations or is part of a class of persons prescribed by the regulations,

- (ii) the authorized activities under the agreement meet any requirements prescribed by the regulations,
 - (iii) the geographic area to which the agreement applies has not been excluded by the regulations from the application of this section,
 - (iv) none of the impacted species under the agreement have been excluded by the regulations from the application of this section, and
 - (v) the agreement meets such other requirements as may be prescribed by the regulations; and
- (c) at the time the agreement is entered into, the Minister is of the opinion that,
- (i) the agreement will not jeopardize the survival or recovery in Ontario of an impacted species under the agreement,
 - (ii) the agreement requires the authorized party to take reasonable steps to minimize the adverse effects of the authorized activities on the impacted species specified in the agreement,
 - (iii) reasonable alternatives have been considered, including alternatives that will not adversely affect any impacted species specified in the agreement, and
 - (iv) the benefits from the beneficial actions that would be achieved in respect of the benefiting species outweigh the adverse effects of the activities affecting the impacted species.

Considerations

- (4) Before entering into a landscape agreement, the Minister shall consider,
- (a) any government response statement that has been published under section 12.1 in respect of each benefiting and impacted species under the agreement; and
 - (b) such other matters as may be prescribed by the regulations.

Species conservation charge

(5) An agreement entered into under this section may require the authorized party under the agreement to pay a species conservation charge to the Agency in accordance with section 20.3 if an impacted species under the agreement is also a conservation fund species.

Minister policy statements

(6) The Minister may issue policy statements governing the form and content of landscape agreements.

Publication

(7) Policy statements issued under subsection (6) shall be published on a website maintained by the Government of Ontario.

Compliance with policy statement

(8) A landscape agreement shall be consistent with any policy statement published under subsection (7).

Compliance with agreement

(9) An authorization provided by a landscape agreement under this section does not apply unless the person who enters into the agreement with the Minister complies with any requirements imposed on the person by the agreement.

Definitions

(10) In this section,

“authorized activity” means an activity authorized under a landscape agreement that would otherwise be prohibited under section 9 or 10; (“activité autorisée”)

“authorized party” means a party to a landscape agreement who is authorized to carry out authorized activities under the agreement; (“partie autorisée”)

“benefiting species” means species that are listed on the Species at Risk in Ontario List as endangered, threatened or special concern species and that are specified in a landscape agreement as species in respect of which beneficial actions will be executed to assist in their protection or recovery; (“espèce bénéficiaire”)

“impacted species” means species that are listed on the Species at Risk in Ontario List as endangered or threatened species and that are specified in a landscape agreement as species in respect of which authorized activities may be carried out despite being otherwise prohibited in respect of the species under section 9 or 10. (“espèce touchée”)

15 (1) Clauses 17 (2) (c) and (d) of the Act are repealed and the following substituted:

- (c) the Minister is of the opinion that the main purpose of the activity authorized by the permit is not to assist in the protection or recovery of the species specified in the permit, but,
 - (i) either of the following conditions will be or have been met:

- (A) the Minister is of the opinion that an overall benefit to the species will be achieved within a reasonable time through requirements imposed by conditions of the permit, or
- (B) subject to subsection (2.1), the person who would be authorized by the permit to engage in the activity has agreed to pay to the Agency any species conservation charge that is required by the permit,
- (ii) the Minister is of the opinion that reasonable alternatives have been considered, including alternatives that would not adversely affect the species, and the best alternative has been adopted, and
- (iii) the Minister is of the opinion that reasonable steps to minimize adverse effects on the species are required by conditions of the permit; or
- (d) the Minister is of the opinion that the main purpose of the activity authorized by the permit is not to assist in the protection or recovery of the species specified in the permit, but,
 - (i) the Minister is of the opinion that the activity will result in a significant social or economic benefit to Ontario,
 - (ii) subject to subsection (2.1), the person who would be authorized to engage in the activity has agreed to pay to the Agency any species conservation charge that is required under the permit,
 - (iii) the Minister is of the opinion that the activity will not jeopardize the survival or recovery of the species in Ontario,
 - (iv) the Minister is of the opinion that reasonable alternatives have been considered, including alternatives that would not adversely affect the species, and the best alternative has been adopted, and
 - (v) the Minister is of the opinion that reasonable steps to minimize adverse effects on the species are required by conditions of the permit.

(2) Section 17 of the Act is amended by adding the following subsections:

Species conservation charge

(2.1) The Minister may require a permit holder to pay a species conservation charge to the Agency as a condition of a permit issued under clause (2) (c) or (d) only if the permit is issued with respect to a species that is a conservation fund species.

(3) Subsection 17 (3) of the Act is amended by striking out “any statement that has been published under subsection 11 (8)” and substituting “any government response statement that has been published under section 12.1”.

(4) Subsection 17 (5) of the Act is amended by adding the following clause:

(d.1) require the holder of a permit issued under clause (2) (c) or (d) to pay a species conservation charge;

(5) Subclauses 17 (7) (a) (i) and (ii) of the Act are repealed and the following substituted:

- (i) amend the permit, whether it was issued under clause (2) (a), (b), (c) or (d), if the Minister is of the opinion that the permit could be issued under the same clause in its amended form, or

(6) Clause 17 (7) (b) of the Act is repealed and the following substituted:

- (b) without the consent of the holder of the permit issued under this section, but subject to section 20, amend or revoke the permit if the Minister is of the opinion that the revocation or amendment,
 - (i) is necessary to prevent jeopardizing the survival or recovery, in Ontario, of the species specified in the permit, or
 - (ii) is necessary for the protection of human health or safety.

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

Activities regulated under other Acts

Definitions

18 (1) In this section,

“instrument” means an agreement, permit, licence, order, approved plan or other similar document; (“acte”)

“regulated activity” means,

- (a) an activity authorized by an instrument that is entered into, issued, made or approved under a provision of an Act of Ontario or Canada or a provision of a regulation made under an Act of Ontario or Canada, or
- (b) an activity permitted or required under a regulation that is made under an Act of Ontario or Canada. (“activité réglementée”)

Authority to carry out regulated activity

(2) If a person is authorized, permitted or required to engage in a regulated activity but the regulated activity is prohibited by 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 may engage in the regulated activity despite section 9 or 10 if,

- (a) the regulated activity is prescribed by the regulations made under subsection (3) for the purposes of this section;
- (b) the species is prescribed by the regulations made under subsection (3) for the purposes of this section;
- (c) the person engages in the regulated activity in accordance with the requirements set out in the regulations made under subsection (3), in addition to complying with the terms and conditions of the instrument or regulation that authorized, permitted or required the regulated activity and that was issued or made under another Act; and
- (d) the person pays to the Agency any species conservation charge that may be required by the regulations made under subsection (3).

Regulations

(3) The Minister may make regulations,

- (a) prescribing regulated activities for the purposes of this section;
- (b) prescribing species listed on the Species at Risk in Ontario List as endangered or threatened species for the purposes of this section;
- (c) governing requirements or processes that must be followed by persons who are authorized, permitted or required to carry out the prescribed regulated activities under instruments or regulations, including,
 - (i) limiting or restricting the manner in which the persons carry out the regulated activity and requiring that they not perform some of the acts that are prohibited under subsection 9 (1) or 10 (1) while carrying out the activity, or
 - (ii) requiring the persons to,
 - (A) take actions to achieve a benefit that will assist with the protection or recovery of the species referred to in clause (b),
 - (B) consider reasonable alternatives to the regulated activity before engaging in that activity, including alternatives that would not adversely affect a species referred to in clause (b), and
 - (C) take reasonable steps to minimize the adverse effects of the regulated activity on the species referred to in clause (b);
- (d) requiring persons who are authorized under this section to engage in prescribed regulated activities that would otherwise have been prohibited under section 9 or 10 with respect to a conservation fund species, to pay a species conservation charge to the Agency;
- (e) prescribing circumstances in which a species conservation charge may be required of a person under clause (d) and the circumstances in which a species conservation charge may not be required.

Same

(4) The Minister may make a regulation prescribing a regulated activity for the purposes of this section and prescribing species listed on the Species at Risk in Ontario List for the purposes of this section only if, in the Minister's opinion,

- (a) the activity will not jeopardize the survival of any of the prescribed species or have any other significant adverse effect on those species; and
- (b) the terms and conditions of the instrument or regulation that authorizes, permits or requires the regulated activity will, together with any requirements in the regulation made under subsection (3), require the person engaged in the regulated activity to,
 - (i) achieve a benefit that will assist with the protection or recovery of the prescribed species, if reasonable to do so,
 - (ii) consider reasonable alternatives to the regulated activity before engaging in that activity, including alternatives that would not adversely affect the prescribed species, and
 - (iii) take reasonable steps to minimize adverse effects on the prescribed species.

Considerations

(5) Before making a regulation under subsection (3) prescribing a species listed on the Species at Risk in Ontario List for the purposes of this section, the Minister shall consider any government response statement that has been published under section 12.1 in respect of the species.

17 (1) Section 19 of the Act is amended by adding the following subsection:

Species conservation charge

(3.1) An agreement entered into under subsection (1) or a permit issued under subsection (3) may require a person or body that is authorized to engage in an activity under the agreement or permit to pay a species conservation charge to the Agency if the activity would otherwise have been prohibited under section 9 or 10 with respect to a conservation fund species.

(2) Subsection 19 (5) of the Act is amended by striking out “any statement that has been published under subsection 11 (8)” and substituting “any government response statement that has been published under section 12.1”.

18 (1) The Act is amended by adding the following sections:

FUND

Species at Risk Conservation Fund

20.1 (1) A fund is hereby established under the name Species at Risk Conservation Fund in English and Fonds pour la conservation des espèces en péril in French, subject to any conditions that may be prescribed by the regulations.

Purpose of Fund

(2) The purpose of the Fund shall be to provide for the funding of activities that are reasonably likely to protect or recover conservation fund species or support their protection or recovery.

Designation of conservation fund species

(3) The Minister may by regulation designate species that are listed on the Species at Risk in Ontario List as conservation fund species for the purpose of the Fund.

Role of Agency

(4) The Agency shall administer and manage the affairs of the Fund.

Fund money

20.2 (1) The Fund shall be constituted by the following money:

1. Species conservation charges paid to the Agency in accordance with section 20.3.
2. Funding provided to the Agency by the Crown.
3. Donations made to the Agency.
4. Revenue earned on money in the Fund and otherwise by the Agency.
5. Refunds of money to the Agency.
6. Money from sources prescribed by the regulations.

Money held by Agency

(2) The Agency shall hold all Fund money it receives for the purposes of the Fund and shall not pay money out of the Fund except in accordance with sections 20.6 and 20.9.

Money received by Agency

(3) Fund money received or held by the Agency shall not form part of the Consolidated Revenue Fund.

Species conservation charges

20.3 (1) The following persons shall pay a species conservation charge to the Agency:

1. A person who is required to do so under a landscape agreement referred to in section 16.1.
2. A person who is required to do so under a permit issued under section 17.
3. A person who is authorized under section 18 to engage in an activity that would otherwise be prohibited under section 9 or 10 and who is required to pay the charge under the regulations made under subsection (3).
4. A person who is required to do so under an agreement entered into under subsection 19 (1) or a permit issued under subsection 19 (3).
5. A person who is exempted from all or some of the prohibitions in subsection 9 (1) or 10 (1) by the regulations made under clause 55 (1) (b) and is required to pay the charge as a condition of the exemption set out in the regulations.

Purpose of charge

(2) The purpose of a species conservation charge is to carry out the purpose of the Fund.

Prescribed species

(3) A species conservation charge shall not be required of a person under this Act unless the person is authorized under an agreement, permit or regulation referred to in subsection (1) to do something that would otherwise have been prohibited under section 9 or 10 with respect to a conservation fund species.

Amount of charge

(4) The amount of a species conservation charge shall be prescribed by the regulations or determined in accordance with the regulations.

Payment of charge

(5) A species conservation charge shall be paid to the Agency,

- (a) at the time and in the manner that may be set by the regulations; or
- (b) if the charge is required by a permit issued under section 17 or subsection 19 (3) or an agreement entered into under section 16.1 or subsection 19 (1), in accordance with the time and manner specified in the permit or agreement.

Refund of charge

(6) A species conservation charge may be fully or partially refunded by the Agency in accordance with the regulations.

Agency

20.4 (1) The Lieutenant Governor in Council may, by regulation, establish a corporation without share capital to be known in English as the Species at Risk Conservation Trust and in French as Fiducie pour la conservation des espèces en péril.

Constitution

(2) The constitution of the Agency and its board of directors shall be in accordance with the regulations.

Crown agency

(3) Subject to the regulations, the Agency is, for all its purposes, an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty.

Employees

(4) The Agency may employ or otherwise engage persons for the proper conduct of its activities, subject to the regulations or, if the regulations so provide, employees may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Corporations Act and Corporations Information Act

(5) The *Corporations Act* and the *Corporations Information Act* do not apply to the Agency, except as provided by the regulations.

Powers**Natural person powers**

20.5 (1) The Agency shall have the capacity, rights, powers and privileges of a natural person for the purpose of carrying out its objects, except as limited by this Act or the regulations.

Financial activities

(2) The Agency shall not borrow money, invest funds or manage financial risks except in accordance with a by-law of the Agency that has been approved by the Minister of Finance.

Co-ordination of certain financial activities

(3) Subject to subsection (4), the Ontario Financing Authority shall co-ordinate and arrange all borrowing, investing of funds and managing of financial risk of the Agency.

Direction of Minister of Finance

(4) The Minister of Finance may in writing direct a person other than the Ontario Financing Authority to perform the functions referred to in subsection (3).

Same

(5) A direction of the Minister of Finance under subsection (4) may be general or specific and may include terms and conditions that the Minister of Finance considers advisable.

Loans, etc. to Agency

(6) The Lieutenant Governor in Council may, by order, authorize the Minister of Finance to purchase securities of, or make loans to, the Agency in the amounts, at the times and on the terms determined by the Minister of Finance, subject to the

maximum principal amount specified by the Lieutenant Governor in Council that may be purchased or advanced or that may be outstanding at the time.

Same

(7) The Minister of Finance may pay out of the Consolidated Revenue Fund any amount required for the purposes of subsection (6).

Delegation of Minister's authority

(8) The Lieutenant Governor in Council may, by order, delegate all or part of the authority of the Minister of Finance under subsection (7) to a public servant who works in the Ministry of Finance, other than in the office of the Minister, or who works in the Ontario Financing Authority.

Subsidiary corporation

(9) The Agency shall not establish a subsidiary corporation, except as permitted by the regulations.

Commercial activity

(10) The Agency shall not engage in commercial activity through an individual, corporation or other entity that is related to the Agency, to a member of its board of directors or to any of its officers, except as permitted by the regulations.

Objects of Agency

20.6 (1) The Agency's objects are to manage the Fund in accordance with the Fund's purpose under subsection 20.1 (2) and, to this end, the Agency shall,

- (a) receive all money from sources listed in subsection 20.2 (1) and deposit it into the Fund;
- (b) determine which activities are eligible for funding from the Fund;
- (c) enter into funding agreements with persons to ensure that the funded activities are carried out in accordance with the purpose of the Fund;
- (d) administer and manage the money in the Fund;
- (e) pay money out of the Fund in accordance with the purpose of the Fund, section 20.7, the guidelines established by the Minister under section 20.8, section 20.10 and the regulations; and
- (f) to perform the duties and exercise the powers assigned to the Agency by this Act and the regulations.

Use of revenues

(2) The Agency shall apply its revenues to carry out its objects and duties and for no other purpose.

Activities eligible for funding

20.7 (1) Subject to subsection (2), the Agency may make payments out of the Fund to a person who wishes to carry out an activity only if,

- (a) the purpose of the activity is consistent with the purpose of the Fund; and
- (b) the activity is reasonably likely to contribute to or have one or more of the following results with respect to a conservation fund species:
 - (i) the abatement or reversal of a declining population trend,
 - (ii) an increase in the viability or resilience of an existing population of the species,
 - (iii) an increase in the distribution of the species within its natural range, or
 - (iv) an increase in the number of reproductively-capable individuals of the species living in the wild.

Where government response statement published

(2) If a government response statement has been published with respect to a conservation fund species under section 12.1, the Agency shall not make payments out of the Fund to carry out an activity with respect to that species unless,

- (a) the requirements of subsection (1) are satisfied; and
- (b) either of the following requirements are satisfied:
 - (i) the activity is consistent with the actions that are identified in the government response statement as actions the government intends to take, lead or support, or
 - (ii) the activity is not consistent with the actions described in subclause (i) but, according to the guidelines issued by the Minister under section 20.8, the activity is eligible to receive funding from the Fund.

Same

- (3) The activities that are eligible for funding under subsection (1) include activities that,
- (a) reduce threats to conservation fund species;
 - (b) expand, improve or secure the habitat of the conservation fund species; and
 - (c) contribute to the body of scientific information related to the species or its habitat, including information obtained from community knowledge and aboriginal traditional knowledge.

Activities excluded from funding

- (4) The activities that are prescribed by the regulations are not eligible to receive funding from the Fund.

Guidelines for funding of activities

20.8 (1) The Minister may establish written guidelines respecting activities that may receive funding from the Fund and the guidelines shall be consistent with the purpose of the Fund.

Content

- (2) The guidelines may,
- (a) establish objectives and priorities for funding;
 - (b) establish standards for activities that receive funding from the Fund; and
 - (c) set out activities with respect to a conservation fund species that are eligible to receive funding from the Fund, despite not meeting the requirements of subclause 20.7 (2) (b) (i).

Compliance

- (3) The Agency shall determine eligibility for funding of activities in a manner that is consistent with the guidelines established by the Minister and published under subsection (5).

Not a regulation

- (4) The guidelines established under this section is not a regulation under Part III of the *Legislation Act, 2006*.

Publication

- (5) The Minister shall publish the guidelines on a website maintained by the Government of Ontario and the Agency shall publish the guidelines on a website maintained by the Agency.

Not an undertaking

- (6) For greater certainty, the guidelines and any revisions to it are not undertakings within the meaning of the *Environmental Assessment Act*.

Directions

20.9 (1) If the Minister considers it advisable in the public interest to do so, the Minister may issue directions to the Agency relating to the governance and administration of the Agency or the administration or management of the Fund.

Exception

- (2) Despite subsection (1), the Minister shall not give directions on,
- (a) matters relating to the borrowing of money, the investment of funds or the managing of financial risks; or
 - (b) matters that may be subject to guidelines under section 20.8.

Notice

- (3) The Minister shall give the Agency the notice that the Minister considers reasonable in the circumstances before issuing a direction.

Compliance

- (4) The Agency shall comply with any directions issued by the Minister within the time specified in the direction.

Additional payments out of Fund

20.10 In addition to any activities funded by the Fund, the Agency may make payments out of the Fund for the purpose of,

- (a) funding the administration and operation of the Agency;
- (b) reimbursing the Crown for expenditures incurred by the Crown in relation to establishing the Agency or for any funding advanced by the Crown from time to time; and
- (c) refunding species conservation charges in accordance with the regulations.

Operating agreement

20.11 (1) The Minister and the Agency shall enter into an operating agreement with respect to the Agency in accordance with this section.

Contents

(2) The operating agreement shall deal with matters that the Minister considers advisable in the public interest relating to carrying out the Agency's objects under this Act, including matters relating to its governance and operations.

Amendment

(3) The Minister may, at any time, serve notice on the Agency that an amendment to the operating agreement is required.

Same

(4) An amendment shall be agreed on by the Minister and the Agency within 180 days after notice is served under subsection (3), or within a longer period that the Minister, before or after the expiry of the 180-day period, may in writing allow.

Availability to public

(5) The Agency shall make the operating agreement available to the public on a website maintained by the Agency.

Implementation

(6) The Agency shall carry out its objects and duties in a manner that is consistent with the operating agreement.

Fiscal year

20.12 The Agency's fiscal year shall be as prescribed by the regulations.

Annual business plan

20.13 (1) On or before a date set out in the operating agreement, the Agency shall adopt and submit to the Minister a business plan for the implementation of its objects during a fiscal year specified in the operating agreement.

Contents

(2) The business plan shall include any information that is required by the operating agreement or requested by the Minister.

Availability to public

(3) The Agency shall make each business plan available to the public on a website maintained by the Agency in accordance with the operating agreement.

First business plan

(4) Within the first year after of the day the Agency is established by regulation, the Minister may require the Agency to adopt and submit to the Minister a business plan for the implementation of its objects for the remainder of the calendar year and the business plan shall contain the information specified by the Minister.

Review

20.14 (1) The Minister may require that reviews be carried out of the Agency, of its operations, or of both, including, without limitation, performance, governance, accountability and financial matters.

Manner

(2) The Minister may specify that the review be carried out,

- (a) by or on behalf of the Agency; or
- (b) by a person specified by the Minister.

Access to records and information

(3) When a review is carried out by a person specified by the Minister, the Agency's shall give the person and the person's employees or agents access to all records and other information required to conduct the review.

Financial statements

20.15 (1) The Agency shall prepare annual financial statements in accordance with generally accepted accounting principles.

Auditors

(2) The Agency shall appoint one or more auditors licensed under the *Public Accounting Act, 2004* to audit the financial statements of the Agency for each fiscal year.

Auditor General

(3) The Auditor General may also audit the financial statements of the Agency.

Reports by Agency

Annual report

20.16 (1) Every year, the Agency shall provide a report to the Minister no later than 120 days after the end of the Agency's fiscal year in respect of,

- (a) the financial affairs of the Agency during the fiscal year;
- (b) deposits made into the Fund during the fiscal year;
- (c) the payments made out of the Fund for the purpose of administering and operating the Agency during the fiscal year;
- (d) the activities funded by the Fund during the fiscal year;
- (e) the balance of funds remaining in the Fund at the end of the fiscal year;
- (f) a description of how the activities funded by the Fund have helped fulfil the purpose of the Fund; and
- (g) any other information required by the operating agreement or requested by the Minister.

Audited financial statements

(2) The annual report shall include a copy of the audited financial statements of the Agency.

Signature

(3) The annual report shall be signed by the chair of the board of directors of the Agency.

Five-year report

(4) Promptly following the fifth anniversary of the day the Agency is established by regulation, and every five years thereafter, the Agency shall provide a report to the Minister on the effectiveness of the Fund in achieving its purpose and any other information required by the Minister, together with any recommendations the Agency wishes to make.

Consultation

(5) In preparing a five-year report, the Agency shall consult with such persons as the Minister considers advisable by any means the Minister considers advisable.

Other reports

(6) The Agency shall provide the Minister with such other reports and information as the Minister may request.

Reports available to public

20.17 The Agency shall make the reports provided under subsections 20.16 (1) and (4) available to the public on a website maintained by the Agency and in any other manner that may be prescribed by the regulations and in accordance with any requirement set out in the operating agreement.

Protection from liability

Immunity of Crown

20.18 (1) No proceeding shall be commenced against the Crown in respect of any act or omission of the Agency or its officers, directors or employees.

Protections from personal liability

(2) No proceeding for damages shall be commenced against any officer, director or employee of the Agency for any act done in good faith in the performance or intended performance of his or her duty or for any alleged neglect or default in the performance in good faith of that duty.

Agency's liability

(3) Subsection (2) does not relieve the Agency of any liability to which it would otherwise be subject in respect of an act or omission of a person mentioned in that subsection.

Unpaid judgments against Agency

(4) The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgement against the Agency that remains unpaid after the Agency has made all reasonable efforts, including liquidating its assets, to pay the amount of the judgment.

(2) Subsection 20.4 (5) of the Act, as enacted by subsection (1), is repealed and the following substituted:

Application of corporate Acts

(5) The *Corporations Act*, the *Corporations Information Act* and the *Not-for-Profit Corporations Act, 2010* do not apply to the Corporation, except as provided by the regulations.

19 Section 21 of the Act is repealed and the following substituted:

Enforcement officers

21 The Minister may appoint persons or classes of persons as enforcement officers for the purposes of this Act.

20 Paragraphs 1, 2 and 3 of subsection 23 (3) of the Act are repealed and the following substituted:

1. The requirements of subsection 8.2 (3).
2. Any provisions of an agreement entered into under section 16, 16.1 or 19, if the agreement authorizes a person to engage in an activity that would otherwise be prohibited by section 9 or 10.
3. Any provision of a permit issued under section 17 or 19.
4. Any provision of an order made under section 27, 27.1, 28 or 41.
5. Any provision of the regulations.

21 (1) Clause 24 (1) (b) of the Act is amended by striking out “section 16 or 19” and substituting “section 16, 16.1 or 19”.

(2) Subsection 24 (1) of the Act is amended by striking out “or” at the end of clause (c) and by striking out clause (d) and substituting the following:

- (d) any provision of an order made under section 27, 27.1, 28 or 41; or
- (e) any provision of the regulations.

22 (1) Paragraph 2 of subsection 27 (1) of the Act is amended by striking out “section 16 or 19” and substituting “section 16, 16.1 or 19”.

(2) Paragraph 4 of subsection 27 (1) of the Act is amended by striking out “section 27, 28 or 41” at the end and substituting “section 27, 27.1, 28 or 41”.

(3) Subsection 27 (1) of the Act is amended by adding the following paragraph:

5. Any provision of the regulations.

23 The Act is amended by adding the following section:

Species Protection Order

27.1 (1) The Minister may make an order described in subsection (2) if he or she has reasonable grounds to believe that a person is engaging in or is about to engage in an activity that has or is about to have a significant adverse effect on a species and one or more of the following criteria are satisfied:

1. The species is listed on the Species at Risk in Ontario List as an endangered or threatened species, a regulation under subsection 9 (1.2) provides that some of the prohibitions in subsection 9 (1) do not apply with respect to the species, and, as a result of the regulation, section 9 will not prevent the person from engaging in the activity.
2. The species is not listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species, the Minister has received a report from COSSARO classifying or reclassifying the species as an extirpated, endangered or threatened species, and the amendment to the Species at Risk in Ontario List that is required by section 7 has not yet come into force.
3. The species is listed on the Species at Risk in Ontario List as an endangered or threatened species and the application of all or some of the prohibitions in subsection 9 (1) to the species is temporarily suspended by virtue of an order made by the Minister under section 8.1.

Contents of order

(2) The order may include any one or more of the following orders:

1. An order requiring the person to stop engaging in or not to engage in the activity.
2. An order prohibiting the person from engaging in the activity except in accordance with directions set out in the order.
3. An order directing the person to take steps set out in the order to address the significant adverse effect of the activity on the species.

Information to be included in order

(3) The order shall,

- (a) identify the species to which the order relates;
- (b) briefly describe the nature of the activity and the significant adverse effect of the activity on the species; and

(c) state that a hearing on the order may be required in accordance with section 30.

24 (1) Paragraph 1 of subsection 28 (1) of the Act is amended by striking out “clause 55 (1) (a)” and substituting “clause 56 (1) (a)”.

(2) Paragraph 3 of subsection 28 (1) of the Act is amended by striking out “subsection 7 (4)” and substituting “section 7”.

(3) Paragraph 4 of subsection 28 (1) of the Act is repealed and the following substituted:

4. The species is listed on the Species at Risk in Ontario List as an endangered or threatened species and the application of the prohibitions in subsection 10 (1) with respect to the habitat of the species is temporarily suspended by virtue of an order made by the Minister under section 8.1.

25 (1) Subsection 29 (1) of the Act is amended by striking out “section 27 or 28” and substituting “section 27, 27.1 or 28”.

(2) Subsection 29 (3) of the Act is amended by striking out “section 27 or 28” and substituting “section 27, 27.1 or 28”.

26 (1) Paragraph 2 of subsection 36 (1) of the Act is amended by striking out “section 16 or 19” and substituting “section 16, 16.1 or 19”.

(2) Paragraph 4 of subsection 36 (1) of the Act is amended by striking out “section 27, 28 or 41” at the end and substituting “section 27, 27.1, 28 or 41”.

(3) Subsection 36 (1) of the Act is amended by adding the following paragraph:

5. Any provision of the regulations.

27 The Act is amended by adding the following section:

Codes of practice, etc.

48.1 The Minister may establish codes of practice, standards or guidelines with respect to the protection of species that are listed on the Species at Risk in Ontario List or their habitat.

28 (1) Paragraph 4 of section 51 of the Act is amended by striking out “all statements published by the Minister under subsections 11 (8) and 12 (5)” at the end and substituting “all government response statements published by the Minister under section 12.1”.

(2) Paragraph 6 of section 51 of the Act is amended by striking out “sections 16 and 19” and substituting “sections 16, 16.1 and 19”

(3) Section 51 of the Act is amended by adding the following subsection:

Publication of COSSARO reports

(2) COSSARO reports that are required to be made available to the public under paragraph 3 of subsection (1) shall be made available no later than three months following receipt of the report by the Minister.

29 Subsection 54 (2) of the Act is amended by striking out “the Ministry” and substituting “the Ministry or any other ministry of the government of Ontario”.

30 Sections 55, 56 and 57 of the Act are repealed and the following substituted:

Regulations by the Lieutenant Governor in Council

55 (1) Subject to section 57, the Lieutenant Governor in Council may make regulations.

- (a) prescribing criteria for the purpose of subclause 8.1 (3) (c) (v);
- (b) exempting any person, activity, species or thing from one or more of the prohibitions listed in subsection 9 (1) or 10 (1), subject to any conditions or restrictions prescribed by the regulations;
- (c) providing that subsection 11 (1) or (7) has no application to a species, if subsections 9 (1) and 10 (1) have no application to the species;
- (d) governing the preparation of recovery strategies under section 11 and management plans under section 12;
- (e) governing the Fund, its establishment and all matters relating to its management and administration including prescribing other sources of money that constitute the Fund for the purposes of paragraph 6 of subsection 20.2 (1) and respecting the payment of money out of the Fund;
- (f) governing the Agency including,
 - (i) providing for the governance and management of the Agency, including providing for a chief executive officer,
 - (ii) respecting the composition of the board of directors,

- (iii) respecting the Agency's role as agent of the Crown, providing for circumstances in which the Agency may act outside of its role as Crown agent and limiting its powers as Crown agent,
- (iv) respecting the Agency's ability to hire or employ persons or providing that employees may be appointed under Part III of the *Public Service of Ontario Act, 2006*,
- (v) respecting the capacity, rights, powers and privileges of the Agency and any restrictions on them,
- (vi) prescribing additional duties and powers of the Agency for the purposes of clause 20.6 (1) (f),
- (vii) respecting the Agency's authority to establish, acquire, wind up, dispose of or otherwise deal with, in whole or in part, a subsidiary and any restrictions on that authority,
- (viii) respecting the Agency's authority to engage in commercial activities, including activities with persons or entities that are related to the Agency, a member of its board of directors or to any of its officers,
- (ix) respecting applications for funding made to the Agency, the eligibility of activities for funding from the Agency, the funding agreements entered into between the Agency and funding recipients and the terms and conditions thereof,
- (x) prescribing activities for the purposes of subsection 20.7 (4),
- (xi) respecting the Agency's auditors, their appointment and their duties;
- (g) requiring persons who have been issued a permit under this Act or who have entered into an agreement with the Minister under this Act or any other specified person to prepare, store and submit prescribed documents, data or reports and respecting the methods of creating, storing and submitting them;
- (h) providing for the preparation and signing of documents and reports by electronic means, the filing of documents and reports by direct electronic transmission and the printing of documents and reports filed by direct electronic transmission;
- (i) respecting anything that may or must be prescribed, done or provided for by the regulations and for which a specific power is not otherwise provided in this Act;
- (j) respecting any matter that the Lieutenant Governor in Council considers advisable to effectively carry out the purpose of this Act.

Exemption by regulation

- (2) Without limiting the generality of clause (1) (b), a regulation under that clause may,
 - (a) limit the geographic areas to which the exemption applies;
 - (b) limit the times at which the exemption applies;
 - (c) require a person to meet any prescribed qualifications or prerequisites for the exemption;
 - (d) require a person to pay a species conservation charge with respect to a conservation fund species;
 - (e) prescribing circumstances in which a species conservation charge may be required of a person under clause (d) and the circumstances in which a species conservation charge may not be required;
 - (f) with respect to an exempted activity,
 - (i) require that the activity be carried out in a prescribed manner or subject to prescribed conditions and restrictions,
 - (ii) require a person to enter into an agreement with the Minister with respect to the activity or to give the Minister notice of the activity,
 - (iii) provide for the terms and conditions of an agreement referred to in subclause (ii) or the content of a notice referred to in that subclause,
 - (iv) require a person to monitor the effects of the activity on a specified species and take steps to minimize the effects of the activity on the species and take action to benefit the species, or
 - (v) require a person to provide the Minister with prescribed reports or information at such times and in such manner as may be prescribed.

Transitional regulations

- (3) The Lieutenant Governor in Council may make regulations with respect to any transitional matters resulting from the enactment of Schedule 5 to the *More Homes, More Choice Act, 2019*.

Regulations by Minister

- 56** (1) Subject to section 57, the Minister may make regulations,

- (a) prescribing, for the purpose of clause (a) of the definition of “habitat” in subsection 2 (1), an area as the habitat of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species;
- (b) prescribing conditions for the purposes of clause 9 (1.3) (d);
- (c) respecting the criteria for entering into a landscape agreement under clause 16.1 (3) (b) including,
 - (i) prescribing anything that is referred to in clause 16.1 (3) (b) as being prescribed by the regulations,
 - (ii) excluding geographic areas for the purposes of subclause 16.1 (3) (b) (iii), and
 - (iii) excluding impacted species for the purposes of subclause 16.1 (3) (b) (iv);
- (d) designating species as conservation fund species;
- (e) governing species conservation charges including,
 - (i) prescribing the amount of the charges or the manner of determining the amount of the charges,
 - (ii) respecting the time and manner of the payment of the charges,
 - (iii) respecting refunds of charges and authorizing the Agency to pay such refunds out of the Fund;
- (f) respecting the contents of a report required under subsection 20.16 (4);
- (g) respecting the manner in which reports may be made available to the public for the purposes of section 20.17.

Consideration of recovery strategy, etc.

(2) Before a regulation is made under clause (1) (a) prescribing an area as the habitat of a species, the Minister shall consider any recovery strategy that has been prepared for the species under section 11 and any government response statement that has been published under subsection 12.1 (1) with respect to the recovery strategy.

Description of habitat

(3) Without limiting the generality of clause (1) (a), a regulation under that clause prescribing an area as the habitat of a species,

- (a) may describe the area by,
 - (i) describing specific boundaries for the area,
 - (ii) describing features of the area, or
 - (iii) describing the area in any other manner;
- (b) may prescribe areas where the species lives, used to live or is believed to be capable of living; and
- (c) may prescribe an area that is larger or smaller than the area described by clause (b) of the definition of “habitat” in subsection 2 (1).

Special requirements for certain regulations

57 (1) Before a regulation is made under subsection 9 (1.2), clause 55 (1) (b), subsection 55 (3) or clause 56 (1) (a) that would apply to a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species, the Minister shall consider whether the proposed regulation is likely to jeopardize the survival of the species in Ontario or to have any other significant adverse effect on the species.

Requirements for making certain regulations

(2) If the Minister is of the opinion that a proposed regulation is likely to jeopardize the survival of a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species, or to have any other significant adverse effect on the species, the Minister shall not make the regulation under subsection 9 (1.2) or clause 56 (1) (a) or recommend that the regulation be made by the Lieutenant Governor in Council under clause 55 (1) (b) or subsection 55 (3), as the case may be, unless the following requirements have been satisfied:

1. The Minister is of the opinion that the proposed regulation will not result in the species no longer living in the wild in Ontario.
2. The Minister has considered alternatives to the proposed regulation including,
 - i. entering into one or more agreements under section 16 or 16.1 or issuing one or more permits under section 17, or
 - ii. making a different regulation.
3. The Minister has considered any government response statement published under section 12.1 with respect to the species.

4. The Minister has given notice of the proposal for the regulation to the public under section 16 of the *Environmental Bill of Rights, 1993* at least two months before the day the regulation is made and the notice shall,
- i. set out the Minister's opinion on whether the regulation will jeopardize the survival of the species in Ontario or have any other significant adverse effect on the species,
 - ii. state that the Minister is of the opinion that the regulation will not result in the species no longer living in the wild in Ontario,
 - iii. give the Minister's reasons for the opinions in subparagraphs i and ii,
 - iv. set out the alternatives to the proposed regulation that were considered by the Minister under paragraph 2,
 - v. set out the reasons for making the proposed regulation, including any significant social or economic benefit to Ontario, and
 - vi. set out steps that could be taken to minimize any adverse effects of the proposed regulation in individual members of the species.

Incorporation by reference

58 (1) A regulation may incorporate, in whole or in part and with such changes as the Minister or the Lieutenant Governor in Council considers necessary, a document, including a code, formula, standard, protocol, procedure or guideline, as the document may be amended or remade from time to time.

Same

(2) An amendment to a document referred to in subsection (1), or a remade version of such a document, has no effect until the Ministry publishes notice of the amendment or remade document in *The Ontario Gazette* or in the registry under the *Environmental Bill of Rights, 1993*.

Commencement

31 (1) Subject to subsection (2), this Schedule comes into force on July 1, 2019.

(2) Subsection 18 (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 July 1, 2019.

**SCHEDULE 6
ENVIRONMENTAL ASSESSMENT ACT**

1 The definitions of “Minister” and “Ministry” in subsection 1 (1) of the *Environmental Assessment Act* are repealed and the following substituted:

“Minister” means the Minister of the Environment, Conservation and Parks, or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

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

2 (1) Section 11.4 of the Act is amended by adding the following subsection:

Minister may require plans, etc.

(3.1) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require the proponent of the undertaking to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments relating to the undertaking.

(2) Subsection 11.4 (4) of the Act is repealed and the following substituted:

Amendment, revocation

(4) Where the Minister or the Tribunal reconsiders an approval under this section, that approval may be amended or revoked.

Rules, etc.

(4.1) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

3 (1) Subsection 12.4 (1) of the Act is amended by striking out “This Part” at the beginning, and substituting “Subject to subsection (4), this Part”.

(2) Section 12.4 of the Act is amended by adding the following subsection:

Application of s. 11.4

(4) Despite subsection (1), a notification given under subsection (2) or any order made under subsection (3), section 11.4 applies in respect of an environmental assessment to which all or part of the predecessor Part applied and such an environmental assessment is deemed to be an application for the purpose of section 11.4.

4 Subsection 14 (2) of the Act is amended by adding the following paragraph:

1.1 A description of any undertakings within the class that are proposed to be exempt from this Act and the basis for the proposed exemption.

5 The Act is amended by adding the following sections:

Non-application of Act, certain undertakings

15.3 (1) A class environmental assessment as it is approved or amended may provide that this Act does not apply with respect to one or more undertakings within the class, including as a result of the evaluation of screening criteria specified within the class environmental assessment.

Exemption of undertakings

(2) An undertaking provided for in subsection (1) is exempt from this Act.

Specific exemptions that are based on meeting criteria

(3) Where a proponent determines that it is not required to conduct further assessment or public consultation in respect of an undertaking based on evaluation of screening criteria specified within one of the following class environmental assessments, as amended or re-named from time to time before May 1, 2019, that undertaking is exempt from this Act as long as any conditions specified within the class environmental assessment are complied with:

1. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on June 26, 2002 under Order in Council 1381/2002.
2. Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004.
3. Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004.
4. Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council 1952/2012.

5. Class Environmental Assessment for Minor Transmission Facilities of Hydro One approved by the Lieutenant Governor in Council on November 16, 2016 under Order in Council 1726/2016.

Exemptions, specific undertakings

(4) An undertaking listed in the following schedules, groups or categories of an approved class environmental assessment, as amended or re-named from time to time before May 1, 2019, and that is carried out by a person authorized to proceed in accordance with that class environmental assessment, is exempt from this Act:

1. Group A of the GO Transit Class Environmental Assessment Document approved by the Lieutenant Governor in Council on December 13, 1995 under Order in Council 2316/1995.
2. Group D of the Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999.
3. Schedules A and A+ of the Municipal Class Environmental Assessment approved by the Lieutenant Governor in Council on October 4, 2000 under Order in Council 1923/2000.
4. Category A of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on June 26, 2002 under Order in Council 1381/2002.
5. Category A of the Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004.
6. Category A of the Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004.
7. Category A of the Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council 1952/2012.

Amendment of an approved class environmental assessment

15.4 (1) The Minister may amend an approved class environmental assessment in accordance with this section.

Notice and comment

(2) When the Minister is considering amending an approved class environmental assessment under this section, the Minister shall ensure that adequate public notice of the proposed amendment is provided and that members of the public have an opportunity to comment on it.

Approval

(3) The Minister may amend an approved class environmental assessment if the Minister is satisfied that the amendments are consistent with the purpose of this Act and the public interest.

Reasons

(4) When amending or refusing to amend an approved class environmental assessment, the Minister shall give written reasons to the person given approval in respect of the class environmental assessment under section 9 and to any other persons the Minister considers advisable.

Administrative amendments

(5) The Director may amend an approved class environmental assessment to make one or more of the following administrative changes:

1. Correcting errors that are editorial or typographical in nature.
2. Updating references to an Act or regulation, or provisions or other portions of an Act or regulation.
3. Updating references to bodies, offices, persons, places, names, titles, locations, website or addresses.
4. Clarifying the existing text of the class environmental assessment.

Own initiative

(6) The Minister or Director may amend an approved class environmental assessment on the Minister's or Director's own initiative.

Commencement of amendment

(7) An amendment to an approved class environmental assessment, whether by the Minister or the Director, comes into effect upon publication of a notice of the amendment in the registry under the *Environmental Bill of Rights, 1993*.

Section prevails

(8) Amendments to approved class environmental assessments must be made in accordance with this section despite any amendment processes that may be set out in those class environmental assessments or any conditions set out in an approval given under section 9.

6 (1) Subsection 16 (1) of the Act is amended by striking out “The Minister” at the beginning and substituting “Subject to subsection (4.1), the Minister”.

(2) Subsection 16 (3) of the Act is amended by striking out “The Minister” at the beginning and substituting “Subject to subsection (4.1), the Minister”.

(3) Paragraph 4 of subsection 16 (4) of the Act is repealed and the following substituted:

4. Any reasons given by a person who requests the order, as long as the request complies with subsection (5) and deals with a matter described in clause (4.1) (a) or (b).

(4) Section 16 of the Act is amended by adding the following subsection:

Grounds for order

(4.1) After considering the matters set out in subsection (4), the Minister may issue an order under subsection (1) or (3) only if the Minister is of the opinion that the order may prevent, mitigate or remedy adverse impacts on,

- (a) the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*; or
- (b) a prescribed matter of provincial importance.

(5) Subsection 16 (5) of the Act is repealed and the following substituted:

Request for order

(5) Any person resident in Ontario may request the Minister to make an order under this section or the Minister may make an order upon the Minister’s own initiative.

(6) Subsection 16 (7) of the Act is repealed and the following substituted:

Deadline after request

(7) The Minister shall decide whether to make an order under this section before any deadline as may be prescribed.

If deadline not met

(7.1) If the Minister has not made a decision in respect of a request under subsection (5) by a deadline prescribed for the purpose of subsection (7), the Minister shall provide written reasons to the following persons indicating why a decision was not made and when a decision is expected to be made:

1. The proponent of the undertaking.
2. Any person who requested the order.

Review of request by Director

(7.2) Before a request for an order is considered by the Minister, the Director shall review the request to determine whether or not it,

- (a) raises an issue related to a right described in clause (4.1) (a) or a matter prescribed for the purposes of clause (4.1) (b); or
- (b) is made by a person who is qualified to make the request.

Same

(7.3) After the review of the request described in subsection (7.2), the Director shall,

- (a) refuse all or parts of the request if it does not raise an issue related to a right described in clause (4.1) (a) or a matter prescribed for the purposes of clause (4.1) (b); or
- (b) refuse the request if it was not made by a person qualified to make the request.

Notification

(7.4) If, after reviewing the request, the Director has decided to refuse all or part of it, the Director shall notify the person who made the request of the decision and shall give the person reasons for the decision.

7 (1) Section 17 of the Act is amended by adding the following subsection:

Transition: amendments to class environmental assessments

(5) An amendment to a class environmental assessment made before section 15.4 comes into force shall be deemed to have been approved under that section and to have been valid from the date on which it was amended.

(2) Section 17 of the Act is amended by adding the following subsections:**Transition: orders**

(6) Section 16, as it read before subsection 6 (5) of Schedule 6 to the *More Homes, More Choice Act, 2019* came into force, applies to a request for an order made under subsection 16 (5) and not finally dealt with before that section came into force.

Same

(7) A decision to issue an order and an order under subsection 16 (1) or (3) are exempt from subsection 16 (4.1) if the order is in respect of a request made but not finally dealt with before subsection 16 (4.1) came into force.

8 Paragraph 4 of subsection 31 (3) of the Act is repealed and the following substituted:

4. The power under section 11.4 to reconsider a decision. However, the Minister may make a delegation to the Tribunal as provided in that section or in respect of the power to issue an order under subsection 11.4 (3.1).
5. The power to amend a class environmental assessment under subsection 15.4 (1)

9 (1) Clause 39 (g) of the Act is amended by adding “or subsection 15.3 (3) or (4)” at the end of the portion before subclause (i).**(2) Section 39 of the Act is amended by adding the following clauses:**

- (g.1) providing that Part II of this Act or specific provisions of an approved class environmental assessment apply in respect of an undertaking designated in a regulation made pursuant to clause (g) and requiring compliance with that Part or process;
- (g.2) permitting persons or entities other than those provided for in subsection 16 (5) to make a request under that subsection, and making such requests subject to conditions and limitations;
- (g.3) defining or clarifying the meaning of the expression “resident in Ontario”;

Commencement

10 (1) Subject to subsection (2), this Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

(2) Section 6, subsection 7 (2) and subsection 9 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 7
ENVIRONMENTAL PROTECTION ACT**

1 Part V.1 of the *Environmental Protection Act* is repealed and the following substituted:

**PART V.1
VEHICLE PERMITS AND NUMBER PLATES**

Definitions

48 In this Part,

“holder” means, when used in relation to a permit, the person in whose name the plate portion of a permit is issued; (“titulaire”)

“number plates” means number plates issued,

- (a) under the *Highway Traffic Act*, or
- (b) by an authority outside Ontario; (“plaques d’immatriculation”)

“offence” means an offence under this Act, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* or the *Toxics Reduction Act, 2009*; (“infraction”)

“permit” means a permit issued,

- (a) under section 7 of the *Highway Traffic Act*, or
- (b) by an authority outside Ontario; (“certificat d’immatriculation”)

“Registrar” means Registrar of Motor Vehicles under the *Highway Traffic Act*. (“regrateur”)

Seizure of number plates

49 (1) A provincial officer may seize the number plates for a vehicle 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.

Direction to driver

(2) The provincial officer may direct the driver of the vehicle to drive the vehicle to such location as is reasonable in the circumstances and detain it at that location.

Driver to comply with direction

(3) A driver who is directed under subsection (2) shall comply with the direction.

Notice to driver

(4) As soon as reasonably possible after seizing the number plates for a vehicle, the provincial officer shall give notice of the seizure to,

- (a) the driver of the vehicle; and
- (b) the holder of the permit for the vehicle, if the holder is not the driver of the vehicle.

Contents of notice

(5) The notice under subsection (4) shall be in a form approved by the Director and shall set out the following information:

1. A statement that the number plates for the vehicle have been seized.
2. The reason for the seizure, including a description of the offence and the date and time of the commission of the offence.
3. A statement that, during the prohibition period,
 - i. if the number plates were issued under the *Highway Traffic Act*, no number plates for the vehicle will be issued under the *Highway Traffic Act* to the holder of the permit for the vehicle,
 - ii. if the number plates were issued under the *Highway Traffic Act*, no validation for the permit in respect of the vehicle will be given under the *Highway Traffic Act* to the holder of the permit for the vehicle, and
 - iii. if the number plates were issued by an authority outside Ontario, no permits or number plates in respect of the vehicle will be issued under the *Highway Traffic Act* to the holder of the permit for the vehicle.
4. The prohibition period, which shall be a period ending no later than 30 days following the day on which the number plates were seized.

Notice to Registrar

(6) As soon as reasonably possible after a provincial officer seizes the number plates for a vehicle under this section, a representative of the Ministry shall give notice of the seizure to the Registrar, including the applicable prohibition period as set out in the notice under subsection (5).

Registrar to comply with notice

(7) Until the prohibition period has ended, the Registrar shall not,

- (a) if the number plates were issued under the *Highway Traffic Act*, issue number plates for the vehicle to the holder of the permit for the vehicle,
- (b) if the number plates were issued under the *Highway Traffic Act*, give validation for the permit in respect of the vehicle to the holder of the permit for the vehicle; or
- (c) if the number plates were issued by an authority outside Ontario, issue a permit or number plates in respect of the vehicle to the holder of the permit for the vehicle.

Notice of early end of prohibition period

(8) If, at any point during a prohibition period, a provincial officer is of the opinion that the continuation of the prohibition period is no longer necessary to prevent the continuation or repetition of the offence, the provincial officer may end the prohibition period and give the Registrar notice that the prohibition period has ended.

Disposal

(9) The provincial officer may dispose of the seized number plates and, for greater certainty, section 158.2 of the *Provincial Offences Act* does not apply to a seizure under this section.

Form, manner of notice to Registrar

(10) For the purpose of this section, if the Ministry is required to give notice to the Registrar, a representative of the Ministry shall give the notice in the form and manner specified by the Registrar, which form and manner may involve electronic transmission of the information required to be included in the notice.

Court order

50 (1) If a person is convicted of an offence, the court may make any of the following orders in respect of any vehicle that the court is satisfied was used in connection with the commission of the offence:

1. That the number plates for the vehicle be seized by a provincial officer.
2. That no number plates be issued for the vehicle to the holder of the permit for the vehicle.
3. That no validation for the permit in respect of the vehicle be given to the holder of the permit for the vehicle.

Same, time limit

(2) An order under subsection (1) shall be for a period that the court considers appropriate, not exceeding five years.

Calculation of time

(3) If, at the time the court issues an order in respect of a person, a prohibition period is still in effect in respect of the person and vehicle under section 49, the period of time set out by the court for the purposes of subsection (2) shall be calculated from the day the prohibition period began under section 49.

Other penalty

(4) The court may issue an order under this section in addition to any other penalty imposed.

Notice required

(5) Subsection (1) does not apply unless the court is satisfied that the holder of the permit for the vehicle used in connection with the commission of the offence was given notice, before the defendant entered a plea, that an order would be sought under this section.

Right to be added as a party

(6) A person who is not a defendant in the proceeding and was given notice under subsection (5) has the right to be added as a party to the proceeding in respect of the offence for one or both of the following purposes:

1. Satisfying the court that the vehicle was not used in connection with the commission of the offence.
2. Making submissions to the court with respect to the issuance of an order under this section.

Clerk to notify Registrar

(7) Where an order is made under this section, the clerk of the court shall forthwith notify the Registrar of all information necessary to ensure that the Registrar takes the appropriate steps to give full effect to the order.

Registrar to take steps

(8) The Registrar shall take the appropriate steps to give full effect to the order.

Appeal, order

(9) An appeal lies from an order under this section in the same manner as an appeal from a conviction or acquittal in respect of an offence.

Prohibition, application for permit or number plates

51 No person shall apply for, procure the issue of or have possession of a permit or number plates for a vehicle that would result in a contravention of a notice given under section 49 or a court order issued under section 50.

Director may provide information

52 (1) Where the Director believes that a person has used one or more vehicles in connection with the commission of an offence, the Director may provide to the Registrar any information the Ministry has in its possession in respect of any past occurrence or offence in respect of the person, including any document, notice, order, conviction or record of an unpaid fine or administrative penalty.

Information may be considered

(2) The Registrar may consider information provided by the Director to be evidence of misconduct within the meaning of clause 47 (1) (d) of the *Highway Traffic Act* when the Registrar is determining whether there are grounds for exercising any powers under section 47 of that Act.

2 Subsection 145.4 (1.1) of the Act is amended by striking out “clause 182.3 (13) (b)” and substituting “clause 182.3 (17) (b)”.

3 Clause 156 (1) (j) of the Act is repealed and the following substituted:

- (j) entering any place where the provincial officer reasonably believes the permit and number plates for a vehicle, whether issued under the *Highway Traffic Act* or by an authority outside Ontario, may be found, in order to seize them in accordance with section 49 or 50; and

4 Clause 157 (1) (b) of the Act is amended by striking out “or 182.1” and substituting “182.1 or 182.3”.

5 Clause 162.3 (6) (a) of the Act is amended by adding “an administrative penalty or” after “requiring the person to pay”.

6 Section 182.3 of the Act is repealed and the following substituted:

Administrative penalties

182.3 (1) The purpose of an administrative penalty issued under this section is,

- (a) to ensure compliance with any requirements or orders made under this Act;
- (b) to prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of contravening the requirements or orders mentioned in clause (a); and
- (c) to address contraventions under this Act and under the regulations that are not addressed by environmental penalties issued under section 182.1.

Order by Director, provincial officer

(2) If the Director or, in the circumstances prescribed by the regulations, a provincial officer, is of the opinion that a person has committed a contravention prescribed by the regulations, the Director or provincial officer, as the case may be, may issue an order requiring the person to pay an administrative penalty in respect of the contravention.

Prescribed contraventions

(3) For the purposes of subsection (2), a prescribed contravention may be in respect of,

- (a) a provision of this Act or the regulations;
- (b) a provision of an order under this Act; or
- (c) a term or condition of an environmental compliance approval, certificate of property use, renewable energy approval, licence or permit under this Act.

Exception

(4) An order mentioned in subsection (2) or (3) shall not be issued to a person with respect to a contravention if the regulations made under section 182.1 permit the Director to issue an environmental penalty order to the person in respect of the same contravention.

Limitation

(5) An order mentioned in subsection (2) or (3) shall be served not later than one year after the day on which evidence of the contravention first came to the attention of a provincial officer or the Director.

Orders, corporations

(6) If the person who has contravened a provision or a term or condition referred to in subsection (2) or (3) is a corporation, the order shall not be issued to an employee, officer, director or agent of the corporation unless the circumstances prescribed by the regulations, if any, exist.

Amount of penalty

(7) The amount of the administrative penalty shall be determined by the Director or the provincial officer, as the case may be, in accordance with the regulations.

Total penalty

(8) Subject to subsection (9), the total amount of the administrative penalty shall not exceed \$200,000 for each contravention.

Same, monetary benefit

(9) The total amount of the administrative penalty referred to in subsection (8) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

Contents of order

(10) An order mentioned in subsection (2) or (3) shall be served on the person who is required to pay the administrative penalty and shall,

- (a) contain a description of the contravention to which the order relates, including, if appropriate, the date of the contravention;
- (b) specify the amount of the penalty;
- (c) give particulars respecting the time for paying the penalty and the manner of payment; and
- (d) provide information to the person as to the person's right to require,
 - (i) a hearing under section 140, if the order is issued by the Director, or
 - (ii) a review under section 182.4, if the order is issued by a provincial officer.

Absolute liability

(11) A requirement that a person pay an administrative penalty applies even if,

- (a) the person took all reasonable steps to prevent the contravention; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

Same

(12) For greater certainty, nothing in subsection (11) affects the prosecution of an offence.

Payment prevents conviction

(13) A person who pays an administrative penalty in respect of a contravention prescribed by the regulations for the purposes of this subsection shall not be convicted of an offence under this Act in respect of the same contravention.

Contraventions where conviction not prevented

(14) With respect to a contravention, other than a contravention to which subsection (13) applies, a person may be charged, prosecuted and convicted of an offence under this Act in respect of that contravention, regardless of whether the person has paid an administrative penalty in respect of and has remedied that contravention.

No admission

(15) If a person pays an administrative penalty in respect of a contravention, the payment is not, for the purposes of any prosecution in respect of the contravention, an admission that the person committed the contravention.

Annual report

(16) The Minister shall, not later than March 31 in each year, publish a report that sets out the following information for each contravention in respect of which an order was made under this section during the previous calendar year:

1. The name of the person against whom the order was made.
2. A description of the contravention.
3. The amount of the penalty.

Regulations

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

- (a) specifying the form and content of orders under this section;
- (b) prescribing circumstances in which a provincial officer is authorized or prohibited from issuing an order under subsection (2);
- (c) governing the determination of the amount of administrative penalties, for individuals and for corporations, including providing the maximum amount the Director or a provincial officer, as the case may be, may determine under subsection (7);
- (d) prescribing circumstances in which a person is not required to pay an administrative penalty;
- (e) prescribing procedures related to administrative penalties;
- (f) governing the payment of interest and late payment penalties, including prescribing how the amounts of interest and late payment penalties are determined;
- (g) respecting any matter necessary for the administration of the system of administrative penalties.

7 Subsection 182.4 (6) of the Act is amended by striking out “clause 182.3 (13) (b)” and substituting “clause 182.3 (17) (b)”.

8 Subsection 182.5 (2) of the Act is repealed.

9 (1) Subsection 186 (2) of the Act is amended by striking out “or 182.1” and substituting “182.1 or 182.3”.

(2) Subsection 186 (5) of the Act is amended by adding “an administrative penalty or” after “the imposition of”.

10 Subsection 188.1 (6) of the Act is repealed and the following substituted:

Administrative and environmental penalties

(6) If an order is made requiring a person to pay an administrative penalty or an environmental penalty in respect of a contravention and the person is also convicted of an offence in respect of the same contravention, the court, in determining a penalty under section 187, shall consider the order to pay the penalty to be a mitigating factor and, if subsection 187 (4) or (5) applies, may impose a fine of less than the minimum fine provided for in the applicable subsection.

11 Clause 190.1 (5) (b) of the Act is amended by adding “an administrative penalty or” after “requiring the person to pay”.

12 Clause 190.2 (6) (a) of the Act is amended by adding “an administrative penalty or” after “requiring the person to pay”.

13 Clause 194 (1) (f) of the Act is amended by striking out “or 182.1” at the end and substituting “182.1 or 182.3”.

Commencement

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

**SCHEDULE 8
LABOUR RELATIONS ACT, 1995**

1 (1) Clauses 125 (1) (1.0.0.1), (1.0.0.2) and (1.0.2) of the *Labour Relations Act, 1995* are repealed.

(2) Section 125 of the Act is amended by adding the following subsections:

Transitional regulations

(4) 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 8 to the *More Homes, More Choice Act, 2019*.

Conflict with transitional regulations

(5) In the event of a conflict between this Act and a regulation made under subsection (4), the regulation prevails.

2 (1) Section 150.7 of the Act is repealed and the following substituted:

SPECIAL RULES TRANSITION

Transition respecting certain certificates and agreements

150.7 (1) Any certificate issued by the Board pursuant to an application for certification made under this section that was made on or after May 2, 2019.

Voluntary recognition agreements

(2) Any voluntary recognition agreement entered into under this section on or after May 2, 2019.

(2) Section 150.7 of the Act, as re-enacted by subsection (1), is repealed.

3 Subsections 153 (3), (3.1), (3.2), (3.3) and (3.4) of the Act are repealed.

4 Subsection 162 (2) of the Act is amended by striking out “sections 150.7, 153” and substituting “sections 153”.

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

(2) Subsection 2 (2) comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 9
LOCAL PLANNING APPEAL TRIBUNAL ACT, 2017**

1 (1) The definition of “approval authority” in section 1 of the *Local Planning Appeal Tribunal Act, 2017* is repealed.

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

“Minister” means the Attorney General or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; (“ministre”)

2 (1) Subsection 14 (1) of the Act is amended by striking out “the Attorney General” and substituting “the Minister”.

(2) Subsection 14 (2) of the Act is repealed and the following substituted:

Classes

(2) The Tribunal may set and charge different fees for different classes of persons and different types of proceedings.

3 Subsection 32 (3) of the Act is amended by adding the following clause:

(a.1) provide for specified circumstances in which participation in mediation or other dispute resolution processes by parties to a proceeding is mandatory;

4 (1) Paragraph 5 of subsection 33 (1) of the Act is repealed and the following substituted:

5. To discuss opportunities for resolving one or more issues in the proceeding, including the possible use of mediation or other dispute resolution processes.

(2) Section 33 of the Act is amended by adding the following subsection:

Power to require alternative dispute resolution

(1.1) The Tribunal may direct the parties to a proceeding before it to participate in mediation or another dispute resolution process for the purpose of resolving one or more issues in the proceeding.

(3) Subsection 33 (2) of the Act is amended by adding the following clause:

(a.1) examine a witness in the proceeding;

(4) Clauses 33 (2) (b) and (c) of the Act are repealed and the following substituted:

(b) examine a person who makes a written submission to the Tribunal with respect to the proceeding under section 33.2;

(c) require a party to the proceeding or a person who makes a written submission to the Tribunal with respect to the proceeding under section 33.2 to produce evidence for examination by the Tribunal;

(5) Section 33 of the Act is amended by adding the following subsection:

Power to limit witness examination, cross-examination

(2.1) The Tribunal may limit any examination or cross-examination of a witness,

(a) if the Tribunal is satisfied that all matters relevant to the issues in the proceeding have been fully or fairly disclosed; or

(b) in any other circumstances the Tribunal considers fair and appropriate.

(6) Clause 33 (3) (b) of the Act is repealed and the following substituted:

(b) the document contains information regarding intimate financial or personal matters or other matters that 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 documents filed in a proceeding be available to the public.

(7) Subsection 33 (4) of the Act is amended by striking out “Subject to any general or special Act, the” at the beginning and substituting “The”.

5 The Act is amended by adding the following sections:

Mandatory case management conference in *Planning Act* appeals

33.1 (1) The Tribunal shall direct the parties to an appeal under subsection 17 (24), (36) or (40), 22 (7), 34 (11) or (19) or 51 (34) of the *Planning Act* to participate in a case management conference prior to the hearing of the appeal, for the purposes set out under subsection 33 (1) of this Act.

Same

(2) A case management conference required under subsection (1) shall include discussion of opportunities for resolving one or more issues in the appeal, including the possible use of mediation or other dispute resolution processes.

Exception

(3) A case management conference need not be held if the parties to the appeal have entered into a settlement respecting all of the issues raised by the proceeding, despite any direction given under subsection (1).

Non-parties, written submissions only

33.2 Unless any general or special Act specifies otherwise, a person who is not a party to a proceeding before the Tribunal may make submissions to the Tribunal with respect to the proceeding in writing only.

6 Section 36 of the Act is repealed.

7 The Act is amended by striking out the heading before section 38.

8 Sections 38, 39, 40, 41 and 42 of the Act are repealed.

9 Subsections 43 (2), (3), (4) and (5) of the Act are repealed.

10 The Act is amended by adding the following section:

Transitional regulations, *Planning Act* appeals

43.1 (1) The Minister may make regulations providing for transitional rules respecting appeals to the Tribunal under subsection 17 (24), (36) or (40), 22 (7), 34 (11) or (19) or 51 (34) of the *Planning Act* that were commenced before, on or after the effective date.

Same

(2) A regulation made under subsection (1) may, without limitation,

- (a) determine which classes of the appeals shall be continued and disposed of under this Act as it read immediately before the effective date, and which classes of the appeals shall be continued and disposed of under this Act as it read on the effective date, subject to such modifications to the application of this Act as it read before or on the effective date as may be specified in the regulation;
- (b) deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Conflict

(3) A regulation made under subsection (1) prevails over any provision of this Act specifically mentioned in the regulation.

Definition

(4) In this section,

“effective date” means the date on which section 8 of Schedule 9 to the *More Homes, More Choice Act, 2019* came into force.

Municipal Act, 2001

11 Subsection 474.14 (3) of the *Municipal Act, 2001* is repealed.

Ontario Water Resources Act

12 Subsection 74 (11) of the *Ontario Water Resources Act* is amended by striking out “and the *Local Planning Appeal Tribunal Act, 2017*, except section 36, applies” and substituting “and the *Local Planning Appeal Tribunal Act, 2017* applies”.

Commencement

13 (1) Subject to subsection (2), this Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

(2) Subsections 1 (1) and 4 (4) and sections 5 and 7 to 10 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 10
OCCUPATIONAL HEALTH AND SAFETY ACT**

1 Section 7.6 of the *Occupational Health and Safety Act* is amended by adding the following subsections:

Amendment

(3) The Chief Prevention Officer may amend training and other requirements established under clause (1) (a).

Conditions

(4) The Chief Prevention Officer may establish conditions that a committee member certified under clause (1) (b) must meet in order to maintain their certification.

Validity of certification

(5) A certification granted under clause (1) (b) is valid for the period that the Chief Prevention Officer specifies in the certification.

Revocation, etc., of certification

(6) The Chief Prevention Officer may revoke or amend a certification granted under clause (1) (b).

2 Section 7.7 of the Act is amended by striking out “subsections 7.6.1 (1) and 7.6.2 (1)” and substituting “subsections 7.6 (5) and (6), 7.6.1 (1) and 7.6.2 (1)”.

3 Clause 22.3 (1) (h) of the Act is repealed and the following substituted:

(h) exercise the powers and perform the duties set out in section 7.6;

Commencement

4 This Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.

**SCHEDULE 11
ONTARIO HERITAGE ACT**

1 (1) Section 1 of the *Ontario Heritage Act* is amended by adding the following definition:

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

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

Definition of “alter” in certain provisions

(2) Despite subsection (1), for the purposes of sections 33, 34.5, 42, 69 and such other provisions as may be prescribed, the definition of “alter” in subsection (1) does not include to demolish or to remove and “alteration” does not include demolition or removal.

2 Section 6 of the Act, as re-enacted by subsection 112 (1) of Schedule 8 to the *Cutting Unnecessary Red Tape Act, 2017*, is amended by striking out “by regulation” at the end.

3 The Act is amended by adding the following section:

Principles

26.0.1 A council of a municipality shall consider the prescribed principles, if any, when the council exercises a decision-making authority under a prescribed provision of this Part.

4 Subsection 26 (2) of the Act is repealed.

5 Subsection 26.1 (3) of the Act is amended by striking out “subsection 27 (1.2)” and substituting “subsection 27 (3)”.

6 Section 27 of the Act is repealed and the following substituted:

Register

27 (1) The clerk of a municipality shall keep a register of property situated in the municipality that is of cultural heritage value or interest.

Contents of register

(2) The register kept by the clerk shall list all property situated in the municipality that has been designated by the municipality or by the Minister under this Part and shall contain, with respect to each property,

- (a) a legal description of the property;
- (b) the name and address of the owner; and
- (c) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Same

(3) In addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part but that the council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

Consultation

(4) If the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (3) or removing the reference to such a property from the register, consult with its municipal heritage committee.

Notice to property owner

(5) If a property that has not been designated under this Part has been included in the register under subsection (3), the council of the municipality shall, within 30 days after including the property in the register, provide the owner of the property with notice that the property has been included in the register.

Same

(6) The notice under subsection (5) shall include the following:

1. A statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest.
2. A description of the property that is sufficient to readily ascertain the property.
3. A statement that if the owner of the property objects to the property being included in the register, the owner may object to the property’s inclusion by serving on the clerk of the municipality a notice of objection setting out the reasons for the objection and all the relevant facts.

4. An explanation of the restriction concerning the demolition or removal, or the permitting of the demolition or removal, of a building or structure on the property as set out in subsection (9).

Objection

(7) The owner of a property who objects to a property being included in the register under subsection (3) shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Decision of council

(8) If a notice of objection has been served under subsection (7), the council of the municipality shall,

- (a) consider the notice and make a decision as to whether the property should continue to be included in the register or whether it should be removed; and
- (b) provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within 90 days after the decision.

Restriction on demolition, etc.

(9) If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.

Same

(10) Subsection (9) applies only if the property is included in the register under subsection (3) before any application is made for a permit under the *Building Code Act, 1992* to demolish or remove a building or structure located on the property.

Same

(11) The notice required by subsection (9) shall be accompanied by such plans and shall set out such information as the council may require.

Extracts

(12) The clerk of a municipality shall issue extracts from the register referred to in subsection (1) to any person on payment of the fee set by the municipality by by-law.

Application of subs. (5) to (8)

(13) Subsections (5) to (8) do not apply in respect of properties that were included in the register under subsection (3) before section 6 of the Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force.

7 (1) Clause 29 (1) (a) of the Act is repealed and the following substituted:

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and

(2) Subsection 29 (1.1) of the Act is amended striking out "Subject to subsection (2)" at the beginning and substituting "Subject to subsections (1.2) and (2)".

(3) Section 29 of the Act is amended by adding the following subsection:

Limitation

(1.2) If a prescribed event has occurred in respect of a property in a municipality, the council of the municipality may not give a notice of intention to designate the property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

(4) Clause 29 (4) (c) of the Act is amended by striking out "to the designation" and substituting "to the notice of intention to designate the property".

(5) Subsection 29 (4.1) of the Act is amended by,

- (a) striking out "the proposed designation" in clause (c) and substituting "the notice of intention to designate the property"; and
- (b) striking out "to the designation" in clause (d) and substituting "to the notice of intention to designate the property".

(6) Subsections 29 (6) to (17) of the Act are repealed and the following substituted:

Consideration of objection by council

(6) If a notice of objection has been served under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of intention to designate the property within 90 days after the end of the 30-day period under subsection (5).

Notice of withdrawal

(7) If the council of the municipality decides to withdraw the notice of intention to designate the property, either of its own initiative at any time or after considering an objection under subsection (6), the council shall withdraw the notice by causing a notice of withdrawal,

- (a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

If no notice of objection or no withdrawal

(8) If no notice of objection is served within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of intention to designate the property, the council may pass a by-law designating the property, provided the following requirements are satisfied:

1. The by-law must be passed within 120 days after the date of publication of the notice of intention under clause (3) (b) or, if a prescribed circumstance exists, within such other period of time as may be prescribed for the circumstance.
2. The by-law must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property and must comply with such requirements in relation to the statement and the description as may be prescribed and with such other requirements as may be prescribed.
3. The council must cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:
 - i. A copy of the by-law.
 - ii. A notice that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
4. The council must publish notice of the by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

Deemed withdrawal

(9) If the council of the municipality has not passed a by-law under subsection (8) within the time set out in paragraph 1 of that subsection, the notice of intention to designate the property is deemed to be withdrawn and the municipality shall cause a notice of withdrawal,

- (a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

Same

(10) For clarity, the deemed withdrawal of a notice of intention to designate a property under subsection (9) does not prevent the council from giving a new notice of intention to designate the property in accordance with this section.

Appeal to Tribunal

(11) Any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4 of subsection (8), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If no notice of appeal

(12) If no notice of appeal is given within the time period specified in subsection (11),

- (a) the by-law comes into force on the day following the last day of the period; and
- (b) the clerk shall ensure that a copy of the by-law is registered against the properties affected by the by-law in the appropriate land registry office.

If notice of appeal

(13) If a notice of appeal is given within the time period specified in subsection (11), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

Forwarding of record of decision

(14) If the council of the municipality made a decision on a notice of objection under subsection (6) and if a notice of appeal is given within the time period specified in subsection (11), the clerk of the municipality shall ensure that the record of the decision under subsection (6) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

Powers of Tribunal

(15) After holding the hearing, the Tribunal shall,

- (a) dismiss the appeal; or
- (b) allow the appeal in whole or in part and,
 - (i) repeal the by-law,
 - (ii) amend the by-law in such manner as the Tribunal may determine,
 - (iii) direct the council of the municipality to repeal the by-law, or
 - (iv) direct the council of the municipality to amend the by-law in accordance with the Tribunal's order.

Dismissal without hearing of appeal

(16) Despite the *Statutory Powers Procedure Act* and subsections (13) and (15), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Tribunal is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
 - (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection to the by-law;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

Representations

(17) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (16), the Tribunal shall,

- (a) notify the appellant of the proposed dismissal; and
- (b) give the appellant an opportunity to make representations with respect to the proposed dismissal.

Coming into force

(18) If one or more notices of appeal are given to the clerk within the time period specified in subsection (11),

- (a) the by-law comes into force when all of such appeals have been withdrawn or dismissed;
- (b) if the by-law is amended by the Tribunal under subclause (15) (b) (ii), the by-law, as amended by the Tribunal, comes into force on the day it is so amended; or
- (c) if the by-law is amended by the council pursuant to subclause (15) (b) (iv), the by-law, as amended by the council, comes into force on the day it is so amended.

Registration of by-law

(19) The clerk of a municipality shall ensure that a copy of a by-law that comes into force under subsection (18) is registered against the properties affected by the by-law in the appropriate land registry office.

Transition

(20) If, on the day subsection 2 (8) of Schedule F to the *Government Efficiency Act, 2002* comes into force, the clerk of a municipality has given a notice of intention to designate a property as a property of historic or architectural value or interest but the council has not yet passed a by-law so designating the property and has not withdrawn its notice of intention,

- (a) this section does not apply to the notice of intention; and

- (b) despite its amendment by section 2 of Schedule F to the *Government Efficiency Act, 2002*, this section, as it read immediately before its amendment, continues to apply to the notice of intention.

Same

(21) If, on or before the day the *Ontario Heritage Amendment Act, 2005* received Royal Assent, the clerk of a municipality had given a notice of intention to designate a property that complied with subsection (4) as it read immediately before that day but, as of that day, the council had not yet passed a by-law designating the property under this section and had not withdrawn the notice,

- (a) the notice continues to have been validly given; and
- (b) the requirements of subsection (4) or (4.1), as enacted on that day by subsection 17 (2) of the *Ontario Heritage Amendment Act, 2005*, do not apply to the notice of intention.

8 (1) Subsections 30.1 (1) and (2) of the Act are repealed and the following substituted:

Amendment of designating by-law

(1) The council of a municipality may, by by-law, amend a by-law designating property made under section 29 and section 29 applies, with prescribed modifications, to an amending by-law.

Exception

(2) Despite subsection (1), subsections 29 (1) to (14) do not apply to an amending by-law if the only purpose or purposes of the amendments contained in the by-law are to do one or more of the following:

1. Clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes.
2. Correct the legal description of the property.
3. Otherwise revise the by-law to make it consistent with the requirements of this Act or the regulations, including revisions that would make a by-law passed before subsection 7 (6) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force satisfy the requirements prescribed for the purposes of paragraph 2 of subsection 29 (8), if any.

(2) Subsections 30.1 (7) to (10) of the Act are repealed and the following substituted:

Consideration of objection by council

(7) If a notice of objection is filed within the 30-day period under subsection (6), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of the proposed amendment within 90 days after the end of the 30-day period under subsection (6).

Notice of withdrawal

(8) If the council of the municipality decides to withdraw the notice of the proposed amendment, either on its own initiative at any time or after considering an objection under subsection (7), the council shall withdraw the notice by causing a notice of withdrawal,

- (a) to be served on the owner of the property and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

If no notice of objection or no withdrawal

(9) If no notice of objection is filed within the 30-day period under subsection (6) or a notice of objection is served within that period but the council decides not to withdraw the notice of the proposed amendment, the council may pass an amending by-law and if it does so, the council shall do the following:

1. Cause the following to be served on the owner of the property and on the Trust:
 - i. A copy of the amending by-law.
 - ii. A notice that if the owner of the property objects to the amending by-law, the owner may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of the notice under this subparagraph, a notice of appeal setting out the objection to the amending by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
2. Publish notice of the amending by-law in a newspaper having general circulation in the municipality.

Appeal to Tribunal

(10) If the owner of the property objects to the amending by-law, the owner may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of the notice under subparagraph 1 ii of subsection

(9), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If no notice of appeal

(11) If no notice of appeal is given within the time period specified in subsection (10),

- (a) the amending by-law comes into force on the day following the last day of the period; and
- (b) the clerk shall ensure that a copy of the amending by-law is registered against the properties affected by the by-law in the appropriate land registry office.

If notice of appeal

(12) If a notice of appeal is given within the time period specified in subsection (10), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

Same

(13) If a notice of appeal is given within the time period specified in subsection (10), subsections 29 (15) to (19) apply with necessary modifications.

Forwarding of record of decision

(14) If the council made a decision on the proposed amending by-law under subsection (7) and if a notice of appeal is given within the time period specified in subsection (10), the clerk of the municipality shall ensure that the record of the decision under subsection (7) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

Requirement to update old by-laws

(15) If the council of a municipality proposes to amend a by-law designating property made under section 29 that does not comply with requirements that are prescribed for the purposes of paragraph 2 of subsection 29 (8), if any, the council shall include in the amendment such changes as are necessary to ensure that the by-law satisfies those requirements.

Same, 2005 amendments

(16) If the council of a municipality proposes to amend a by-law designating property made under section 29 before the day the *Ontario Heritage Amendment Act, 2005* received Royal Assent, the council shall include in the amendment such changes as are necessary to ensure that the by-law satisfies the requirements of section 29, as it read on the day the *Ontario Heritage Amendment Act, 2005* received Royal Assent.

9 Subsections 31 (5) to (7) of the Act are repealed and the following substituted:

Objection

(5) A person who objects to a proposed repealing by-law shall, within 30 days after the date of publication of the notice of intention to repeal the by-law or part thereof, serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Consideration of objection by council

(6) If a notice of objection is filed within the 30-day period under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of intention within 90 days after the end of the 30-day period under subsection (5).

Notice of withdrawal

(7) If the council of the municipality decides to withdraw the notice of intention, either of its own initiative at any time or after considering an objection under subsection (6), the council shall withdraw the notice by causing a notice of withdrawal,

- (a) to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust; and
- (b) to be published in a newspaper having general circulation in the municipality.

If no notice of objection or no withdrawal

(8) If no notice of objection is filed within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of intention, the council may pass a by-law repealing the by-law or part thereof designating the property and if it does so, it shall do the following:

1. Cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:
 - i. A copy of the repealing by-law.

- ii. A notice that any person who objects to the repealing by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 2, a notice of appeal setting out the objection to the repealing by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
2. Publish notice of the repealing by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the repealing by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, a notice of appeal setting out the objection to the repealing by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

Appeal to Tribunal

(9) Any person who objects to the repealing by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 2 of subsection (8), a notice of appeal setting out the objection to the repealing by-law and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If no notice of appeal

- (10) If no notice of appeal is given within the time period specified in subsection (9),
- (a) the repealing by-law comes into force on the day following the last day of the period;
 - (b) the clerk shall ensure that a copy of the repealing by-law is registered against the properties affected by the repealing by-law in the appropriate land registry office; and
 - (c) the clerk shall delete any reference to the property from the register referred to in subsection 27 (1).

If notice of appeal

(11) If a notice of appeal is given within the time period specified in subsection (9), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

Same

(12) If a notice of appeal is given within the time period specified in subsection (9), subsections 29 (15) to (19) apply with necessary modifications.

Forwarding of record of decision

(13) If the council made a decision on the proposed repealing by-law under subsection (6) and if a notice of appeal is given to the clerk within the time period specified in subsection (9), the clerk of the municipality shall ensure that the record of the decision under subsection (6) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

Deletion from register

(14) If a repealing by-law comes into effect under subsection 29 (18), as made applicable by subsection (12) of this section, the municipality shall cause the clerk to delete any reference to the property from the register referred to in subsection 27 (1).

10 Subsections 32 (2) to (23) of the Act are repealed and the following substituted:

Notice required

(2) Upon receiving an application under subsection (1), the council of the municipality shall cause notice of the application to be given by the clerk of the municipality in accordance with subsection (3).

Notice of application

- (3) Notice of an application shall be published in a newspaper having general circulation in the municipality and shall contain,
- (a) an adequate description of the property so that it may be readily ascertained;
 - (b) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, as set out in the by-law that is the subject of the application;
 - (c) a statement that further information respecting the application is available from the municipality; and
 - (d) a statement that notice of objection to the application may be served on the clerk within 30 days after the date of publication of the notice of the application under this subsection.

Objection

(4) A person who objects to an application shall, within 30 days after the date of the publication of the notice of application under subsection (3), serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Decision of council

(5) After consultation with its municipal heritage committee, if one is established, the council shall consider an application under subsection (1) and any objections served under subsection (4) and within 90 days after the end of the 30-day period under subsection (4) shall do either of the following:

1. Refuse the application and cause the following to be served on the owner of the property, on any person who objected under subsection (4) and on the Trust:
 - i. A notice of the council's decision.
 - ii. A notice that if the owner of the property objects to the council's decision, the owner may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after receipt of the notice under this subparagraph, a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
2. Consent to the application, pass a by-law repealing the by-law or part thereof designating the property and shall do the following:
 - i. Cause the following to be served on the owner of the property, on any person who objected under subsection (4) and on the Trust:
 - A. A copy of the repealing by-law.
 - B. A notice that any person who objects to the decision may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under subparagraph ii, a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
 - ii. Publish notice of the council's decision in a newspaper having general circulation in the municipality, which must provide that any person who objects to the decision may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this subparagraph, a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

Extension of time

(6) The owner of the property and the council may agree to extend the time under subsection (5) and, if the council fails to notify the owner of the property of the council's decision within such extended time as may be agreed upon, the council is deemed to have consented to the application.

Appeal to Tribunal, refusal of application

(7) If the owner of the property objects to the council's decision to refuse the application, the owner may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the receipt of the notice under subparagraph 1 ii of subsection (5), a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

Same, consent of application

(8) Any person who objects to the council's decision to consent to the application and to pass a repealing by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under subparagraph 2 ii of subsection (5), a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If no notice of appeal

(9) If no notice of appeal is given within the time period specified in subsection (7) or (8), as the case may be, the decision of the council under subsection (5) is final and, if the council consented to the application and passed a repealing by-law,

- (a) the repealing by-law comes into force on the day following the last day of the period;
- (b) the clerk shall ensure that a copy of the repealing by-law is registered against the property affected by the by-law in the appropriate land registry office; and
- (c) the clerk shall delete any reference to the property from the register referred to in subsection 27 (1).

If notice of appeal

(10) If a notice of appeal is given within the time period specified in subsection (7) or (8), as the case may be, the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

Forwarding of record of decision

(11) If a notice of appeal is given within the time period specified in subsection (7) or (8), as the case may be, the clerk of the municipality shall ensure that the record of the decision under subsection (5) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality.

Powers of Tribunal

(12) After holding the hearing, the Tribunal shall do the following:

1. If the appeal relates to a decision of council to refuse the application,
 - i. dismiss the appeal, or
 - ii. allow the appeal in whole or in part and,
 - A. repeal the by-law or part thereof designating the property, or
 - B. direct the council of the municipality to repeal the by-law or part thereof designating the property in accordance with the Tribunal's order.
2. If the appeal relates to a decision of council to consent to the application and to pass a repealing by-law,
 - i. dismiss the appeal, or
 - ii. allow the appeal in whole or in part and,
 - A. repeal the repealing by-law,
 - B. amend the repealing by-law in such manner as the Tribunal may determine,
 - C. direct the council of the municipality to repeal the repealing by-law, or
 - D. direct the council of the municipality to amend the repealing by-law in accordance with the Tribunal's order.

Dismissal without hearing of appeal

(13) Despite the *Statutory Powers Procedure Act* and subsections (10) and (12) of this section, the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Tribunal is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
 - (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection referred to in subsection (7) or (8), as the case may be;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

Representations

(14) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (13), the Tribunal shall,

- (a) notify the appellant of the proposed dismissal; and
- (b) give the appellant an opportunity to make representations with respect to the proposed dismissal.

Coming into force

(15) If one or more notices of appeal are given to the clerk within the time period specified in subsection (7), the following rules apply:

1. A repealing by-law passed by the municipality under paragraph 2 of subsection (5) comes into force when all of such appeals have been withdrawn or dismissed.
2. The repeal of a by-law or a part of a by-law under sub-subparagraph 1 ii A of subsection (12) comes into force on the day it is so ordered by the Tribunal.

3. A by-law repealing a by-law or part thereof under sub-subparagraph 1 ii B of subsection (12) comes into force on the day the by-law is passed by the municipality.
4. The repeal of a repealing by-law under sub-subparagraph 2 ii A of subsection (12) comes into force on the day it is so ordered by the Tribunal.
5. If a repealing by-law is amended by the Tribunal under sub-subparagraph 2 ii B of subsection (12), the repealing by-law, as amended by the Tribunal, comes into force on the day it is so amended.
6. If a repealing by-law is repealed by a council under sub-subparagraph 2 ii C of subsection (12), the by-law that repeals the repealing by-law comes into force on the day it is passed.
7. If a repealing by-law is amended by a council under sub-subparagraph 2 ii D of subsection (12), the repealing by-law, as amended by council, comes into force on the day it is so amended.

Registration of by-law

(16) The clerk of a municipality shall ensure that a copy of the repealing by-law is registered against the properties affected by the by-law in the appropriate land registry office.

Deletion from register

(17) If a repealing by-law comes into effect under subsection (15), the municipality shall cause the clerk to delete any reference to the property from the register referred to in subsection 27 (1).

Reapplication

(18) If a prescribed circumstance applies, the owner of the property may not reapply to have the by-law or part thereof designating the property repealed within the time period determined in accordance with the regulations, except with the consent of the council.

11 Section 33 of the Act is repealed and the following substituted:

Alteration of property

33 (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration.

Application

(2) An application under subsection (1) shall be accompanied by the prescribed information and material.

Other information

(3) A council may require that an applicant provide any other information or material that the council considers it may need.

Notice of complete application

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete.

Notification re completeness of application

(5) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided.

Decision of council

(6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

- (a) shall,
 - (i) consent to the application,
 - (ii) consent to the application on terms and conditions, or
 - (iii) refuse the application; and
- (b) shall serve notice of its decision on the owner of the property and on the Trust.

Same

(7) For the purposes of subsection (6), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council.

Deemed consent

(8) If the council fails to notify the owner under clause (6) (b) within the time period determined under subsection (7), the council shall be deemed to have consented to the application.

Appeal to Tribunal

(9) If the council of a municipality consents to an application upon certain terms and conditions or refuses an application, the owner may, within 30 days after receipt of the notice under clause (6) (b), appeal the council's decision to the Tribunal by giving a notice of appeal to the Tribunal and to the clerk of the municipality setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If notice of appeal

(10) If a notice of appeal is given within the time period specified in subsection (9), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to the owner of the property and to such other persons or bodies as the Tribunal may determine.

Powers of Tribunal

(11) After holding a hearing, the Tribunal may order,

- (a) that the appeal be dismissed; or
- (b) that the municipality consent to the application without terms and conditions or with such terms and conditions as the Tribunal may specify in the order.

Dismissal without hearing of appeal

(12) Despite the *Statutory Powers Procedure Act* and subsections (10) and (11), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Tribunal is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
 - (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection to the decision of the council of the municipality;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

Representations

(13) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (12), the Tribunal shall,

- (a) notify the appellant of the proposed dismissal; and
- (b) give the appellant an opportunity to make representations with respect to the proposed dismissal.

Delegation of council's consent

(14) The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power.

Scope of delegation

(15) A by-law that delegates the council's power to consent to alterations to a municipal employee or official may delegate the power with respect to all alterations or with respect to such classes of alterations as are described in the by-law.

Transition

(16) If property is designated under this Part as property of historic or architectural value or interest, either before the day section 29 of this Act is amended by section 2 of Schedule F to the *Government Efficiency Act, 2002* or under subsection 29 (16) of this Act after that day,

- (a) subsection (1) of this section does not apply to the property;
- (b) despite its amendment by subsection 2 (16) of Schedule F to the *Government Efficiency Act, 2002*, subsection (1) of this section, as it read immediately before the day subsection 2 (16) of Schedule F to the *Government Efficiency Act, 2002* came into force, continues to apply to the property.

12 Subsection 34 (1) to (4) of the Act are repealed and the following substituted:

Demolition or removal

(1) No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.
2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.

Application

(2) An application under subsection (1) shall be accompanied by the prescribed information and material.

Other information

(3) A council may require that an applicant provide any other information or material that the council considers it may need.

Notice confirming complete application

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete.

Notification re completeness of application

(4.1) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided.

Decision of council

(4.2) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (4.3),

- (a) shall,
 - (i) consent to the application,
 - (ii) consent to the application, subject to such terms and conditions as may be specified by the council, or
 - (iii) refuse the application;
- (b) shall serve notice of its decision on the owner of the property and on the Trust; and
- (c) shall publish its decision in a newspaper having general circulation in the municipality.

Same

(4.3) For the purposes of subsection (4.2), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (4.1) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council.

Deemed consent

(4.4) If the council fails to notify the owner under clause (4.2) (b) within the time period determined under subsection (4.3), the council shall be deemed to have consented to the application.

13 (1) Subsection 34.1 (1) of the Act is amended by striking out “subclause 34 (2) (a) (i.1) or refuses an application under subclause 34 (2) (a) (ii)” and substituting “subclause 34 (4.2) (a) (ii) or refuses an application under subclause 34 (4.2) (a) (iii)”.

(2) Subsections 34.1 (3) to (7) of the Act are repealed and the following substituted:

Content of notice

(3) A notice of appeal shall set out the objection to the council's decision and the reasons in support of the objection and be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

If notice of appeal

(4) If a notice of appeal is given within the time period specified in subsection (2), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine.

Powers of Tribunal

(5) After holding a hearing, the Tribunal may order,

- (a) that the appeal be dismissed; or
- (b) that the municipality consent to the demolition or removal referred to in paragraph 1 or 2 of subsection 34 (1), as the case may be, without terms and conditions or with such terms and conditions as the Tribunal may specify in the order.

Dismissal without hearing of appeal

(6) Despite the *Statutory Powers Procedure Act* and subsections (4) and (5), the Tribunal may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

- (a) the Tribunal is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Tribunal could allow all or part of the appeal, or
 - (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
- (b) the appellant has not provided written reasons in support of the objection to the decision of the council of the municipality;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

Representations

(7) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (6), the Tribunal shall,

- (a) notify the appellant of the proposed dismissal; and
- (b) give the appellant an opportunity to make representations with respect to the proposed dismissal.

14 Section 34.3 of the Act is repealed and the following substituted:

Council consents to application under s. 34 — required steps or actions

34.3 (1) The council of a municipality shall take such steps or actions as may be prescribed if the owner of a property designated under section 29 has applied in writing to the council for consent to a demolition or removal referred to in paragraph 1 or 2 of subsection 34 (1) in respect of the property and,

- (a) the council consents to the application under subclause 34 (4.2) (a) (i) or (ii) or is deemed to have consented to the application under subsection 34 (4.4); or
- (b) the Tribunal has ordered that the municipality give its consent under clause 34.1 (5) (b).

Same

(2) A regulation made for the purposes of subsection (1) may prescribe different steps or actions that must be taken by a council in different circumstances or that no steps or actions need to be taken by a council in certain circumstances.

15 (1) Clause 34.5 (1) (a) of the Act is amended by striking out “the criteria prescribed by regulation” and substituting “the prescribed criteria”.

(2) Subsection 34.5 (2) of the Act is amended by striking out “or” at the end of clause (a) and by repealing clause (b) and substituting the following:

- (b) carry out or permit the demolition or removal of the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under clause 34.6 (5) (a); or
- (c) carry out or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under clause 34.6 (5) (a).

(3) Subsections 34.5 (4) and (5) of the Act are repealed and the following substituted:

Application for consent, alteration

(4) The owner of a property designated under subsection (1) may apply to the Minister for the Minister's consent to an alteration of the property and subsections 33 (2) to (14), as they read immediately before the day section 11 of Schedule 11 to the *More Homes, More Choice Act, 2019* came into force, apply with necessary modifications to such an application.

Same

(5) For the purposes of the application of subsection 33 (4), as it read immediately before the day section 11 of Schedule 11 to the *More Homes, More Choice Act, 2019* came into force, to an application for the Minister's consent made under subsection (4) of this section, subsection 33 (4) shall be deemed to require the Minister to consult with the Trust, and not with a municipal heritage committee, before rendering a decision under that subsection.

(4) Subsection 34.5 (6) of the Act is amended by striking out "consent to the demolition or removal of a building or structure on the property" at the end and substituting "consent to a demolition or removal referred to in clause (2) (b) or (c)."

(5) Subsection 34.5 (11) of the Act is amended by striking out "consent to the demolition or removal of a building or structure on property" in the portion before clause (a) and substituting "consent to a demolition or removal referred to in clause (2) (b) or (c) in respect of a property".

16 Subsection 34.9 (6) of the Act is amended by striking out "Subsections 32 (5) to (10) and (13) apply" at the beginning and substituting "Subsections 32 (5) to (10) and (13), as they read immediately before the day section 10 of Schedule 11 to the *More Homes, More Choice Act, 2019* came into force, apply".

17 The Act is amended by adding the following section:

Principles

39.1.2 A council of a municipality shall consider the prescribed principles, if any, when the council exercises a decision-making authority under a prescribed provision of this Part.

18 (1) Subsection 41 (2.1) of the Act is amended by striking out "any demolition or removal of buildings or structures on the property" at the end and substituting "any demolition or removal referred to in clause 34.5 (2) (b) or (c) in respect of the property".

(2) Subsection 41 (2.2) of the Act is amended by striking out "any demolition or removal of buildings or structures on the property" in the portion before clause (a) and substituting "any demolition or removal referred to in subsection 34 (1) in respect of the property".

(3) Subsection 41 (2.3) of the Act is amended by striking out "or demolition or removal of buildings or structures on the property" and substituting "or demolition or removal referred to in subsection 42 (1) in respect of the property".

(4) Subsection 41 (4) of the Act is amended by striking out "by giving the clerk of the municipality" and substituting "by giving the Tribunal and the clerk of the municipality".

(5) Subsection 41 (5) of the Act is amended by striking out "to the clerk" in the portion before clause (a).

(6) Subsection 41 (6) of the Act is amended by,

- (a) striking out "to the clerk"; and**
- (b) striking out "open to the public".**

(7) Clause 41 (9) (b) of the Act is amended by striking out "hold a hearing with respect to the proposed dismissal or".

19 (1) Paragraph 2 of subsection 42 (1) of the Act is repealed and the following substituted:

- 2. Erect any building or structure on the property or permit the erection of such a building or structure.
- 3. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be included in the heritage conservation district plan that was adopted for the property's heritage conservation district in a by-law registered under subsection 41 (10.1).
- 4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be included in the heritage conservation district plan that was adopted for the property's heritage conservation district in a by-law registered under subsection 41 (10.1).

(2) Subsection 42 (2.1) of the Act is amended by striking out "or to erect, demolish or remove a building or structure on the property" at the end and substituting "or to do anything referred to in paragraph 2, 3 or 4 of subsection (1) in respect of the property".

(3) Subsection 42 (4.1) of the Act is amended by striking out “to demolish or remove any building or structure on property” and substituting “to do anything referred to in paragraph 2, 3 or 4 of subsection (1) in respect of the property”.

20 (1) Paragraph 3 of subsection 48 (1) of the Act is amended by striking out “by regulation” wherever it appears.

(2) Subsection 48 (2) of the Act is amended by,

- (a) striking out “or belongs to a class of sites prescribed, by the regulations” at the end of clause (a) and substituting “or belongs to a prescribed class of sites”; and
- (b) striking out “or belongs to a class of activities prescribed, by the regulations” at the end of clause (c) and substituting “or belongs to a prescribed class of activities”.

(3) Clause 48 (8) (d) of the Act is amended by striking out “by the regulations” at the end.

(4) Clause 48 (8.2) (e) of the Act is amended by striking out “by the regulations”.

21 Subsection 56 (3) of the Act is amended by striking out “or prescribed by the regulations” at the end and substituting “or as may be prescribed”.

22 Clause 67 (1) (d) of the Act is repealed and the following substituted:

- (d) by a prescribed method.

23 Subsection 69 (3) of the Act is amended by striking out “demolishing or removing a building or structure in contravention of section 42” and substituting “demolishing or removing a building, structure or heritage attribute in contravention of section 42”.

24 (1) Subsection 70 (1) of the Act is amended by adding the following clause:

- (o) prescribing or otherwise providing for anything that is required or permitted under this Act to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations.

(2) Section 70 of the Act is amended by adding the following subsection:

Regulations re ss. 33 (2) and 34 (2)

(3) A regulation that prescribes information and material for the purposes of subsection 33 (2) or 34 (2) may provide that the information or material is such information or material as may be required by a municipal by-law or other prescribed instrument, or may provide that the information or material includes any information or material as may be required by a municipal by-law or other prescribed instrument.

25 The Act is amended by adding the following section:

Regulations re transitional matters

71 The Lieutenant Governor in Council may make regulations providing for transitional matters as the Lieutenant Governor in Council considers necessary or advisable to,

- (a) facilitate the implementation of amendments to this Act made by Schedule 11 to the *More Homes, More Choice Act, 2019*; and
- (b) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 11 to the *More Homes, More Choice Act, 2019*.

Commencement

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

**SCHEDULE 12
PLANNING ACT**

1 (1) Subsection 2.1 (1) of the *Planning Act* is amended by striking out the portion before clause (a) and substituting the following:

Approval authorities and Tribunal to have regard to certain matters

(1) When an approval authority or the Tribunal makes a decision under this Act that relates to a planning matter, it shall have regard to,

.

(2) Subsection 2.1 (2) of the Act is repealed and the following substituted:

Same, Tribunal

(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.

2 (1) Subsection 16 (3) of the Act is repealed and the following substituted:

Additional residential unit policies

(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

(2) Subsection 16 (5) of the Act is repealed and the following substituted:

Same

(5) An official plan of a municipality that is not prescribed for the purpose of subsection (4) may contain the policies described in subsection (4) in respect of,

- (a) a protected major transit station area identified in accordance with subsection (15) or (16), as the case may be; or
- (b) an area in respect of which a development permit system is adopted or established in response to an order under subsection 70.2.2 (1).

Adoption of inclusionary zoning policies

(5.1) The policies described in subsection (4) may be adopted in respect of an area described in clause (5) (a) or (b) as part of an official plan or an amendment to an official plan that includes policies,

- (a) that identify an area as the protected major transit station area described in clause (5) (a); or
- (b) that must be contained in an official plan before the development permit system described in clause (5) (b) may be adopted or established.

3 (1) Subsection 17 (24.0.1) of the Act is repealed.

(2) Section 17 of the Act is amended by adding the following subsections:

No appeal re certain matters

(24.1.4) Despite subsection (24), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

- (a) before a development permit system may be adopted or established; or
- (b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.

Limitation

(24.1.5) Subsection (24.1.4) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order.

Exception re Minister

(24.1.6) Subsection (24.1.4) does not apply to an appeal by the Minister.

(3) Clause 17 (25) (b) of the Act is repealed and the following substituted:

(b) set out the reasons for the appeal; and

(4) Section 17 of the Act is amended by adding the following subsection:

Same

(25.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.

(5) Subsection 17 (26) of the Act is amended by striking out “subsections (24), (36) and (41.1)” in the portion before clause (a) and substituting “subsections (24) and (36)”.

(6) Subsection 17 (34.1) of the Act is amended by,

(a) striking out “210th” in clause (b) and substituting “120th”; and

(b) striking out “210th” in clause (c) and substituting “120th”.

(7) Subsection 17 (36.0.1) of the Act is repealed.

(8) Section 17 of the Act is amended by adding the following subsections:

No appeal re certain matters

(36.1.8) Despite subsection (36), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

(a) before a development permit system may be adopted or established; or

(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions.

Limitation

(36.1.9) Subsection (36.1.8) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order.

Exception re Minister

(36.1.10) Subsection (36.1.8) does not apply to an appeal by the Minister.

(9) Clause 17 (37) (b) of the Act is repealed and the following substituted:

(b) set out the reasons for the appeal; and

(10) Section 17 of the Act is amended by adding the following subsection:

Same

(37.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document.

(11) Subsection 17 (40) of the Act is repealed and the following substituted:

Appeal to L.P.A.T.

(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 120 days after the day the plan is received by the approval authority, any of the following may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority:

1. The municipality that adopted the plan.

2. The Minister, if the Minister is not the approval authority.

3. 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.

(12) Subsection 17 (40.1) of the Act is repealed.

(13) Subsection 17 (40.2) of the Act is amended by,

(a) striking out “210” in the portion before clause (a) and substituting “120”;

(b) striking out “210th” in clause (b) and substituting “120th”; and

(c) striking out “210th” in clause (c) and substituting “120th”.

(14) Subsection 17 (40.4) of the Act is amended by striking out “210-day” and substituting “120-day”.

(15) Subsection 17 (41.1) of the Act is repealed.

(16) Section 17 of the Act is amended by adding the following subsections:

New evidence at hearing

(44.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (24) or (36) was not provided to the municipality before the council made the decision that is the subject of the appeal.

Same

(44.4) When subsection (44.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council’s decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (44.5) has been complied with and the prescribed time period has elapsed.

Notice to council

(44.5) The Tribunal shall notify the council that it is being given an opportunity to,

- (a) reconsider its decision in light of the information and material; and
- (b) make a written recommendation to the Tribunal.

Council’s recommendation

(44.6) The Tribunal shall have regard to the council’s recommendation if it is received within the time period referred to in subsection (44.4), and may, but is not required to, do so if it is received afterwards.

(17) Subsection 17 (44.7) of the Act is repealed and the following substituted:

Conflict with SPPA

(44.7) Subsections (44.1) to (44.6) apply despite the *Statutory Powers Procedure Act*.

(18) Subsection 17 (45) of the Act is repealed and the following substituted:

Dismissal without hearing

(45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,
 - i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Tribunal,
 - ii. the appeal is not made in good faith or is frivolous or vexatious,
 - iii. the appeal is made only for the purpose of delay, or
 - iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.
2. The appellant has not provided written reasons with respect to an appeal under subsection (24) or (36).
3. The appellant intends to argue a matter mentioned in subsection (25.1) or (37.1) but has not provided the explanations required by that subsection.
4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

(19) Subsection 17 (46) of the Act is amended by striking out “paragraph 3 or 4” and substituting “paragraph 5”.

(20) Subsection 17 (49) of the Act is amended by striking out “subsection (40)” and substituting “subsection (24), (36) or (40)”.

(21) Subsections 17 (49.1) to (49.12) of the Act are repealed.

(22) Subsection 17 (50) of the Act is amended by striking out “On an appeal under subsection (40) or a transfer” at the beginning and substituting “On an appeal or a transfer under this section”.

(23) Subsection 17 (50.1) of the Act is amended by striking out “subsections (49.7), (49.9) and (50) do not give” in the portion before clause (a) and substituting “subsection (50) does not give”.

(24) Subsection 17 (51) of the Act is amended by striking out “after the day the Tribunal gives notice under subsection (44)” in the portion before clause (a) and substituting “before the day fixed by the Tribunal for the hearing of the appeal”.

(25) Subsection 17 (53) of the Act is repealed and the following substituted:

Confirmation by L.G. in C.

(53) If the Tribunal has received a notice from the Minister under subsection (51), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.

4 (1) Subsections 22 (7.0.0.1) and (7.0.0.2) of the Act are repealed.

(2) Subsection 22 (7.0.2) of the Act is amended by,

(a) striking out “210” in paragraph 1 and substituting “120”; and

(b) striking out “210” in paragraph 2 and substituting “120”.

(3) Subsection 22 (7.0.2.1) of the Act is repealed.

(4) Subsection 22 (8) of the Act is amended by adding “and” at the end of clause (a) and by repealing clauses (a.1) and (a.2).

(5) Subsections 22 (11) to (11.0.19) of the Act are repealed and the following substituted:

Application

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2).

(6) Subsection 22 (11.1) of the Act is amended by striking out “after the day the Tribunal gives notice under subsection (11)” in the portion before clause (a) and substituting “before the day fixed by the Tribunal for the hearing of the appeal”.

(7) Subsection 22 (11.3) of the Act is repealed and the following substituted:

Confirmation by L.G. in C.

(11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions.

5 Subsection 28 (5) of the Act is amended by striking out “(49), (50) and (50.1), as they read on the day before section 9 of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, apply” and substituting “(49) to (50.1) apply”.

6 (1) Subsection 34 (11) of the Act is amended by striking out “150” in the portion before paragraph 1 and substituting “90”.

(2) Subsection 34 (11.0.0.1) of the Act is amended by striking out “210” and substituting “120”.

(3) Subsections 34 (11.0.0.2) to (11.0.0.5) of the Act are repealed.

(4) Subsection 34 (19) of the Act is amended by striking out “notice of appeal accompanied by the fee” in the portion before clause (a) and substituting “notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee”.

(5) Subsections 34 (19.0.1) and (19.0.2) of the Act are repealed and the following substituted:

Same

(19.0.1) If the appellant intends to argue that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the notice of appeal must also explain how the by-law is inconsistent with, fails to conform with or conflicts with the other document.

(6) Section 34 of the Act is amended by adding the following subsections:

New information and material at hearing

(24.3) This subsection applies if information and material that is presented at the hearing of an appeal described in subsection (24.1) was not provided to the municipality before the council made the decision that is the subject of the appeal.

Same

(24.4) When subsection (24.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and the prescribed time period has elapsed.

Notice to council

(24.5) The Tribunal shall notify the council that it is being given an opportunity to,

- (a) reconsider its decision in light of the information and material; and
- (b) make a written recommendation to the Tribunal.

Council's recommendation

(24.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (24.4), and may, but is not required to, do so if it is received afterwards.

(7) Subsection 34 (24.7) of the Act is repealed and the following substituted:

Conflict with SPPA

(24.7) Subsections (24.1) to (24.6) apply despite the *Statutory Powers Procedure Act*.

(8) Subsection 34 (25) of the Act is repealed and the following substituted:

Dismissal without hearing

(25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,
 - i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,
 - ii. the appeal is not made in good faith or is frivolous or vexatious,
 - iii. the appeal is made only for the purpose of delay, or
 - iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.
2. The appellant has not provided written reasons for the appeal.
3. The appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection.
4. The appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.
5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.

(9) Subsection 34 (25.1) of the Act is amended by striking out "paragraph 5 or 6" and substituting "paragraph 5".

(10) Subsections 34 (26) to (26.13) of the Act are repealed and the following substituted:

Powers of L.P.A.T.

(26) The Tribunal may,

- (a) on an appeal under subsection (11) or (19), dismiss the appeal;
- (b) on an appeal under subsection (11) or (19), amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order; or
- (c) on an appeal under subsection (19), repeal the by-law in whole or in part or direct the council of the municipality to repeal the by-law in whole or in part in accordance with the Tribunal's order.

(11) Subsection 34 (27) of the Act is amended by striking out "after the day the Tribunal gives notice under subsection (24)" in the portion before clause (a) and substituting "before the day fixed by the Tribunal for the hearing of the appeal".

(12) Subsection 34 (29) of the Act is repealed and the following substituted:

No order to be made

(29) If the Tribunal has received a notice from the Minister under subsection (27) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice.

(13) Subsection 34 (30) of the Act is amended by striking out “repealed under subsection (26.2) or (26.8) or amended under subsection (26.8)” and substituting “repealed or amended under subsection (26)”.

7 Subsection 35.2 (5) of the Act is repealed and the following substituted:

Restrictions on authority

(5) If a council of a municipality passes a by-law giving effect to policies described in subsection 16 (4), the council may, subject to the prohibitions or restrictions contained in the regulations, authorize the erection or location of some or all of the required affordable housing units in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units.

8 (1) Subsection 36 (3) of the Act is amended by striking out “150” and substituting “90”.

(2) Subsection 36 (4) of the Act is amended by striking out “Subsections 34 (10.7), (10.9) to (20.4) and (22) to (34)” at the beginning and substituting “Subsections 34 (10.7) and (10.9) to (25.1)”.

9 Section 37 of the Act is repealed and the following substituted:

Community benefits charges

Definitions

37 (1) In this section,

“specified date” means the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act; (“date précisée”)

“valuation date” means, with respect to land that is the subject of development or redevelopment,

- (a) the day before the day the building permit is issued in respect of the development or redevelopment, or
- (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. (“date d’évaluation”)

Community benefits charge by-law

(2) The council of a municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.

What charge can be imposed for

(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,

- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;
- (b) the approval of a minor variance under section 45;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;
- (d) the approval of a plan of subdivision under section 51;
- (e) a consent under section 53;
- (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Excluded development or redevelopment

(4) A community benefits charge may not be imposed with respect to such types of development or redevelopment as are prescribed.

Excluded facilities, services and matters

(5) A community benefits charge may not be imposed with respect to the following:

1. Facilities, services or matters associated with any of the services set out in subsection 2 (4) of the *Development Charges Act, 1997*.
2. Such other facilities, services or matters as are prescribed.

In-kind contributions

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.

Notice of value of in-kind contributions

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.

Deduction of value of in-kind contributions

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.

Community benefits charge strategy

(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

- (a) identifies the facilities, services and matters that will be funded with community benefits charges; and
- (b) complies with any prescribed requirements.

Consultation

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Limitation

(11) Only one community benefits charge by-law passed by the council of a given municipality may be in effect at a time.

Maximum amount of community benefits charge

(12) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Payment under protest and appraisal provided by owner

(13) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (12), the owner shall,

- (a) pay the charge under protest; and
- (b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

No appraisal under cl. (13) (b)

(14) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (13) (b), the payment is deemed not to have been made under protest.

Appraisal provided by the municipality

(15) If the municipality disputes the value of the land identified in the appraisal referred to in clause (13) (b), the municipality shall, within the prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (15)

(16) If the municipality does not provide an appraisal in accordance with subsection (15), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b).

Appraisal under subs. (15) within 5%

(17) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in clause (13) (b) or subsection (15), whichever identifies the higher value of the land.

Appraisal under subs. (15) not within 5%

(18) If the municipality provides an appraisal in accordance with subsection (15) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (13) (b), the municipality shall

request that a person selected by the owner from the list referred to in subsection (22) prepare an appraisal of the value of the land as of the valuation date.

Time period for appraisal referred to in subs. (18)

(19) The municipality shall provide the owner with the appraisal referred to in subsection (18) within the prescribed time period.

Appraisal under subs. (18)

(20) If an appraisal is prepared in accordance with subsection (18), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the appraisal referred to in subsection (18).

Non-application of subss. (16), (17) and (20)

(21) For greater certainty, a refund is not required under subsection (16), (17) or (20) if the maximum amount determined in accordance with subsection (12) based on the value of the land identified in the applicable appraisal is greater than the amount of the community benefits charge imposed by the municipality.

List of appraisers

(22) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,

- (a) are not employees of the municipality or members of its council; and
- (b) have an agreement with the municipality to perform appraisals for the purposes of subsection (18).

Same

(23) A municipality shall maintain the list referred to in subsection (22) until the later of,

- (a) the day on which the community benefits charge by-law is repealed; and
- (b) the day on which there is no longer any refund that is or could be required to be made under subsection (20).

No building without payment

(24) No person shall construct a building on the land proposed for development or redevelopment unless,

- (a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and
- (b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.

Special account

(25) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.

Investments

(26) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.

Requirement to spend or allocate monies in special account

(27) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

Reports and information

(28) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.

Application of subs. (30)

(29) Subsection (30) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force.
2. A reserve fund established in accordance with section 33 of the *Development Charges Act, 1997* before the day section 2 of Schedule 3 to the *More Homes, More Choice Act, 2019* comes into force in respect of any of the services described in subsection 9.1 (3) of the *Development Charges Act, 1997*.

Transition respecting special account and reserve fund described in subs. (29)

(30) The following rules apply with respect to a special account or reserve fund described in subsection (29):

1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (25).
2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (25).

Credit under s. 38 of *Development Charges Act, 1997*

(31) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the *Development Charges Act, 1997* that was held as of the day before the day the by-law is passed and that relates to any of the services described in subsection 9.1 (3) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law.

10 The Act is amended by adding the following section:

Transitional matters respecting repealed s. 37, etc.

Definitions

37.1 (1) In this section,

“by-law described in the repealed subsection 37 (1)” means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; (“règlement municipal visé au paragraphe 37 (1) abrogé”)

“effective date” means the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force. (“date d’effet”)

Continued application of repealed subss. 37 (1) to (5)

(2) Despite their repeal by section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.
2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).

By-law described in repealed subs. 37 (1)

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.
2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).
3. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the lands that are the subject of the by-law is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the lands on the day before the applicable date described in subsection (5) of this section, regardless of whether the development charge by-law has expired or been repealed.
4. For the purposes of paragraph 3, the following rules apply:
 - i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection (5),
 - ii. despite section 34 of the *Development Charges Act, 1997*, if paragraph 3 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.

5. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.
6. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is subject to any by-law under section 42, as it read on the day before the day subsection 12 (3) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, that applied to the lands on the day before the effective date, regardless of whether the by-law has been repealed.
7. For the purposes of paragraph 6, the reference to a by-law under section 42 is a reference to the by-law, as it read on the day before the effective date.

Non-application of subs. (3)

(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,

- (a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or
- (b) is repealed.

Applicable date

(5) The applicable date referred to in subsections (2), (3) and (4) and paragraph 5 of subsection 51.1 (7) is the earlier of,

- (a) the day the municipality passes a by-law under section 37; and
- (b) the date prescribed under the *Development Charges Act, 1997* for the purposes of section 9.1 of that Act.

11 Subsection 38 (5) of the Act is amended by striking out “subsections 34 (23) to (26), as they read on the day before subsection 12 (2) of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, apply” and substituting “subsections 34 (23) to (26) apply”.

12 (1) Subsection 42 (0.1) of the Act is repealed.

(2) Section 42 of the Act is amended by adding the following subsection:

Community benefits charge by-law

(2) Subject to paragraph 6 of subsection 37.1 (3), a by-law under subsection (1) is of no force and effect if a community benefits charge by-law under section 37 passed by the council of the local municipality is in force.

(3) Subsections 42 (3) to (4.3) and (6.0.1) to (6.0.3) of the Act are repealed.

(4) Subsection 42 (6.1) of the Act is amended by striking out “subsection (6) or (6.0.1)” and substituting “subsection (6)”.

(5) Subsection 42 (6.2) of the Act is amended by striking out “subsection (6) or (6.0.1)” and substituting “subsection (6)”.

(6) Paragraph 1 of subsection 42 (6.3) of the Act is amended by striking out “subsection (6) or (6.0.1)” at the end and substituting “subsection (6)”.

(7) Subsection 42 (6.4) of the Act is amended by striking out “subsections (6), (6.0.1) and (6.2)” and substituting “subsections (6) and (6.2)”.

(8) Subsection 42 (15) of the Act is amended by striking out “subsections (6), (6.0.1) and (14)” and substituting “subsections (6) and (14)”.

(9) Subsections 42 (17) to (20) of the Act are repealed and the following substituted:

Reports and information

(17) A council of a municipality that passes a by-law under this section shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.

13 (1) Subsection 45 (1.0.3) of the Act is amended by striking out “the following provisions, as they read on the day before section 14 of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, apply” and substituting “the following provisions apply”.

(2) Subsection 45 (17) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Dismissal without hearing

(17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if,

14 (1) Subsections 51 (20) to (21.2) of the Act are repealed and the following substituted:

Public meeting

(20) Before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that a public meeting is held, if required by regulation, notice of which shall be given in the manner and to the persons and public bodies prescribed and shall contain the information prescribed.

Request

(21) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided hold the public meeting referred to in subsection (20).

Responsibilities

(21.1) A local municipality or planning board that is requested to hold the public meeting referred to in subsection (20) shall ensure that,

- (a) notice of the meeting is given in accordance with subsection (20);
- (b) the public meeting is held; and
- (c) the prescribed information and material are submitted to the approval authority within 15 days after the meeting is held.

(2) Subsection 51 (34) of the Act is amended by striking out “180” and substituting “120”.

(3) Paragraph 2 of subsection 51 (39) of the Act is amended by striking out “person or public body who” and substituting “public body that”.

(4) Subsection 51 (39) of the Act is amended by adding the following paragraph:

2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

(5) Subsection 51 (43) of the Act is amended by adding the following paragraph:

2.1 A person listed in subsection (48.3) who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority.

(6) Paragraph 2 of subsection 51 (48) of the Act is amended by striking out “person or public body who” and substituting “public body that”.

(7) Subsection 51 (48) of the Act is amended by adding the following paragraph:

2.1 A person listed in subsection (48.3) who, before the approval authority gave approval to the draft plan of subdivision, made oral submissions at a public meeting or written submissions to the approval authority or made a written request to be notified of changes to the conditions.

(8) Section 51 of the Act is amended by adding the following subsection:

Persons referred to in para. 2.1 of subs. (39), etc.

(48.3) The following are listed for the purposes of paragraph 2.1 of subsection (39), paragraph 2.1 of subsection (43) and paragraph 2.1 of subsection (48):

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.
2. Ontario Power Generation Inc.
3. Hydro One Inc.
4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.
5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.
6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.
7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.

8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.

(9) Subsection 51 (52.4) of the Act is repealed and the following substituted:

Same

(52.4) When subsection (52.3) applies, the Tribunal may, on its own initiative or on a motion by the approval authority or any party, consider whether the information and material could have materially affected the approval authority's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (52.5) has been complied with and the prescribed time period has elapsed.

(10) Subsection 51 (53) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Dismissal without hearing

(53) Despite the *Statutory Powers Procedure Act* and subsection (52), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if,

.

15 (1) Subsection 51.1 (0.1) of the Act is repealed and the following substituted:

Definition

(0.1) In this section,

“effective date” means the day section 9 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force.

(2) Subsections 51.1 (2) to (2.3) of the Act are repealed.

(3) Subsection 51.1 (3) of the Act is amended by striking out “and subsection (2) does not apply”.

(4) Subsections 51.1 (3.1) and (3.2) of the Act are repealed.

(5) Subsection 51.1 (4) of the Act is amended by striking out “subsection (3) or (3.1)” and substituting “subsection (3)”.

(6) Subsection 51.1 (5) of the Act is amended by striking out “(12) to (20)” and substituting “(12) to (17)”.

(7) Section 51.1 of the Act is amended by adding the following subsections:

Non-application of by-law under s. 37

(6) The development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under section 37, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection (1) on or after the effective date.

Transition

(7) If the draft plan of subdivision is approved before the effective date and the approval authority has imposed a condition under subsection (1), the following rules apply with respect to the land within the draft plan of subdivision:

1. Subject to paragraph 2, this section, as it read on the day before the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, continues to apply with respect to the land.
2. Subsection (5), as it reads on and after the day subsection 15 (2) of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force, applies with respect to the land.
3. Subsections 37 (1) to (4), as they read on the day before the effective date, apply with respect to the land.
4. Subsection 37 (5), as it read on the day before the effective date, applies with respect to the land, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (25).
5. Despite subsections 2 (4) and 9 (1) of the *Development Charges Act, 1997*, the development or redevelopment of the land is subject to any development charge by-law that relates to any of the services described in subsection 9.1 (3) of that Act and that applied to the land on the day before the applicable date described in subsection 37.1 (5) of this Act, regardless of whether the development charge by-law has expired or been repealed.
6. For the purposes of paragraph 5, the following rules apply:
 - i. the reference to a development charge by-law is a reference to the by-law, as it read on the day before the applicable date described in subsection 37.1 (5),

- ii. despite section 34 of the *Development Charges Act, 1997*, if paragraph 5 applies with respect to a development charge by-law, the municipality shall pay each development charge collected under the by-law into the special account referred to in subsection 37 (25) of this Act.

7. The development or redevelopment of the land is not subject to a community benefits charge by-law under section 37.

16 (1) Clause 53 (7.1) (a) of the Act is amended by striking out “the regulation made under clause (5) (a)” and substituting “clause (5) (a)”.

(2) Clause 53 (7.2) (a) of the Act is amended by striking out “the regulation made under clause (5) (b)” at the end and substituting “clause (5) (b)”.

(3) Subsection 53 (31) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Dismissal without hearing

(31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may, on its own initiative or on the motion of any party, dismiss an appeal without holding a hearing if,

.

17 (1) Paragraph 24.1 of subsection 70.1 (1) of the Act is repealed and the following substituted:

24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4);

24.1.1 prescribing facilities, services or matters for the purposes of paragraph 2 of subsection 37 (5);

24.1.2 prescribing requirements for the purposes of clause 37 (9) (b);

24.1.3 prescribing the percentage referred to in subsection 37 (12) to be applied to the value of land;

24.1.4 prescribing time periods for the purposes of clause 37 (13) (b) and subsections 37 (15) and (19);

(2) Paragraph 24.2 of subsection 70.1 (1) of the Act is repealed.

(3) Paragraph 27 of subsection 70.1 (1) of the Act is amended by striking out “subsections 51 (20) and 53 (5)” at the end and substituting “subsection 53 (5)”.

(4) Paragraph 31 of subsection 70.1 (1) of the Act is amended by striking out “sections 70 and 70.2, subsection 70.2.2 (5) and section 70.3” at the end and substituting “sections 70, 70.2 and 70.3”.

(5) Section 70.1 of the Act is amended by adding the following subsection:

Same

(3.1) A regulation made under paragraph 24.1.3 of subsection (1) may prescribe different percentages for different municipalities or classes of municipalities and for different values of land.

18 Clause 70.2 (2) (a) of the Act is repealed and the following substituted:

- (a) vary, supplement or override any provision in Part V as necessary to establish a development permit system, including, for greater certainty, providing that there is no appeal in respect of a by-law passed by a municipality to adopt or establish a development permit system;

- (a.1) vary, supplement or override any municipal by-law passed under Part V as necessary to establish a development permit system;

19 Section 70.2.2 of the Act is repealed and the following substituted:

Orders re development permit system

70.2.2 (1) The Minister may, by order, require a local municipality to adopt or establish a development permit system that applies to,

- (a) the area specified in the order, in the case of an order that delineates the area’s boundaries; or
- (b) an area surrounding and including a specified location, in the case of an order that does not delineate the area’s boundaries.

Non-application of *Legislation Act, 2006*, Part III

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

Effect of order under cl. (1) (a)

(3) When an order made under clause (1) (a) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of the area referred to in clause (1) (a).

Effect of order under cl. (1) (b)

(4) When an order made under clause (1) (b) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of,

- (a) the specified location referred to in clause (1) (b); and
- (b) an area surrounding the specified location referred to in clause (1) (b).

Determination of boundaries

(5) For the purposes of clause (4) (b), the local municipality has discretion to determine the boundaries of the area that is to be governed by the development permit system.

20 The Act is amended by adding the following section:**Regulations re transitional matters, 2019 amendments**

70.10 (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.

Same

(2) A regulation made under this section may, without limitation,

- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;
- (b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Same

(3) If a regulation under this section provides for a matter or proceeding to be continued and disposed of under this Act, as it reads on and after the effective date, where the notice of appeal was filed under subsection 17 (24) or (36), 22 (7) or 34 (11) or (19) before the effective date, the regulation may also,

- (a) require the Tribunal to give a notice to an appellant, specifying the period of time during which a new notice of appeal may be provided to the Tribunal;
- (b) require the appellant to provide a new notice of appeal to the Tribunal within the period of time specified by the Tribunal in the notice required under clause (a);
- (c) deem an appeal to have been dismissed where the new notice of appeal was not received within the period of time specified by the Tribunal in the notice required under clause (a);
- (d) provide that, despite the *Local Planning Appeal Tribunal Act, 2017*, an appellant is not required to pay a fee charged under that Act.

Conflict

(4) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Definition

(5) In this section,

“effective date” means the day section 20 of Schedule 12 to the *More Homes, More Choice Act, 2019* comes into force.

Commencement

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

SCHEDULE 13
WORKPLACE SAFETY AND INSURANCE ACT, 1997

1 The *Workplace Safety and Insurance Act, 1997* is amended by adding the following section:

Partners and executive officers

81.1 (1) The Board may establish premium rates for,

- (a) partners in a partnership described in paragraph 3 of subsection 12.2 (1) who do not perform construction work; and
- (b) executive officers of a corporation described in paragraph 4 of subsection 12.2 (1) who do not perform construction work.

Same

(2) The premium rates established under subsection (1) may be different from the premium rates established under section 81 for the employers of the partners and executive officers.

Same

(3) The Board may establish a specific method for determining the frequency of work injuries and accident costs relating to the partners and executive officers.

Same

(4) The Board may use any determinations made under the method described in subsection (3) for the purposes of adjusting premium rates established under subsection (1).

2 Paragraph 4 of subsection 123 (2) of the Act is repealed and the following substituted:

- 4. Subsections 81 (1) to (6), 81.1 (1) to (3), 83 (1) and (2) and section 85 (allocation of payments).

Commencement

3 This Schedule comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.