

November 21, 2017

AMO Queen's Park Legislative Update

The Ontario Legislature has about 3 weeks left in this legislative session and there are a large number of bills of interest to municipal governments still in significant motion. All of AMO's submissions to Standing Committee (where done) and Members' Updates on any of the Bills are available on the [AMO website](#).

Here are the key highlights for your information:

| Name of Legislation | Highlights | AMO's Asks | Status |
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| Bill 139, <i>Building Better Communities and Conserving Watersheds Act, 2017</i> | <ul style="list-style-type: none"> • OMB becomes Local Planning Appeal Tribunal (LPAT) • No <i>de novo</i> hearings • Some amendments not appealable • A support centre for citizens • Conservation Authorities roles, responsibilities and relationships clearer. | <ul style="list-style-type: none"> • Bill reflects the AMO key ask to reform the OMB to better respect municipal government decision. • Keep all provincial land use policy in the Provincial Policy Statement (PPS) • Provide 120 days for the second decisions of council • Delete the reference to the LGIC regulating composition of CA board members | <ul style="list-style-type: none"> • In the House for third reading • The AMO asks to reform the OMB are reflected in this Bill. • Putting all provincial policy in the PPS was not approved. • An amendment providing 120 days instead of 90 for the second decision process was defeated. • No amendment limiting LGIC powers to direct conservation authority board composition |
| Bill 142- <i>An Act to Amend the Construction Lien Act, 2017</i> | <ul style="list-style-type: none"> • Bill revises the <i>Construction Lien Act</i> • Prompt Payment is added to the Act. • It sets out timelines for the payment of amounts payable under contracts to | <ul style="list-style-type: none"> • Payment should not be made without first getting a municipal owner's express approval or | <ul style="list-style-type: none"> • At Standing Committee • AMO presented on November 1, 2017 |

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| Bill 142- <i>An Act to Amend the Construction Lien Act, 2017</i> continued | <p>contractors (payable by owners), and under subcontracts to subcontractors (whether payable by contractors or by other subcontractors).</p> <ul style="list-style-type: none"> • Mandatory Construction Dispute Interim Adjudication is added to the Act | <p>certification that work was done properly</p> <ul style="list-style-type: none"> • Before proceeding to align lien rights and mandatory adjudication regimes, problematic timing and other practical considerations need to be addressed • Training support and resources needed for implementation | |
| Bill 148, <i>Fair Workplaces, Better Jobs 2017</i> | <ul style="list-style-type: none"> • The bill changes the ESA and LRA to require more on-call pay, longer pre-scheduling timeframes, and could undermine municipal public safety and emergency operations significantly unless amended • It means paying volunteer firefighters wages equal to full time firefighters • Provides for 2 paid personal leave days, new vacation pay calculations and equal pay for seasonal, p/t, casual and temp workers | <ul style="list-style-type: none"> • Exemption for municipal / local board employees re: "on call" provisions to deliver statutory public safety services. • Exemption for volunteer firefighters re: matching pay to full-time firefighters • Specific reference that Bill 148 does not override other statutory obligations. | <ul style="list-style-type: none"> • AMO presented to the standing committee. • MOL + MMA Ministers' letter was sent to all heads of council Nov 14th successfully addressing AMO's core asks. • These amendments included at the clause-by-clause review • Third reading expected this week |
| Bill 160- <i>Strengthening Quality and Accountability for Patients Act, 2017</i> | <p>Omnibus health bill proposing amendments to several pieces of health related legislation including those of municipal interest:</p> <ol style="list-style-type: none"> 1. <i>Ambulance Act</i> <ul style="list-style-type: none"> • Modernize the act to enable new models of low-acuity patient care on scene by paramedics • Opens the door to the fire-medical model 2. <i>Health Protection and Promotion Act</i> <ul style="list-style-type: none"> • Permits the regulation of recreational water facilities and personal service settings | <ul style="list-style-type: none"> • Concurrently amend the <i>Fire Protection and Prevention Act, 1997</i> and the <i>Ambulance Services Collective Bargaining Act, 2001</i> to protect unwilling municipal government employers from interest arbitration settlements replicating the fire-medical pilot across Ontario. <p>Amend the <i>Ambulance Act</i> to:</p> <ul style="list-style-type: none"> • update the definition of a paramedic | <ul style="list-style-type: none"> • Passed second reading • Referred to Standing Committee on General Government • Hearings up until November 22, 2017 • AMO made an oral and written submission outlining municipal key asks |

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| Bill 160- Strengthening Quality and Accountability for Patients Act, 2017 continued | <p>3. <i>Long-Term Care Homes Act</i></p> <ul style="list-style-type: none"> • Strengthens enforcement and compliance Enacts a new consent-based framework for resident confinement | <ul style="list-style-type: none"> • protect against increased municipal liability • update ambulance conveyance and response requirements • add flexibility to operate own dispatch systems • address the cost of non-urgent, inter-facility transfers • ensure that actual costs are reimbursed by the province for the cost-shared program • Amend the <i>Health Protection and Promotion Act</i> to protect against rising cost share responsibilities. | |
| Bill 174 – Cannabis, Smoke-Free Ontario + Road Safety Statute Act Amendment Act, 2017 | <ul style="list-style-type: none"> • Creates Ontario Cannabis Retail Corporation with sole authority for distribution of recreational cannabis; • Creates significant fines for cannabis distribution outside the new corporation; • Updates the Smoke Free Ontario Act to regulate smoking and vaping of cannabis (which will only be allowed in private residences); • Creates new fines for operating a vehicle after consumption of cannabis; prohibits people 19 years and under from purchasing, possession, cultivation and consumption of cannabis and creates new authorities to divert youths away from the court system. • Increased fines and penalties for distracted driving, careless driving, failing to yield to pedestrians at crosswalks and stopped school buses | <ul style="list-style-type: none"> • Municipalities have influence over the location of new cannabis retail outlets in their communities - LCBO and MOF consultation process in place • Cost neutrality for municipal gov'ts to implement the new rule • Cannabis tax revenue sharing with municipal governments • Longer-term private market available to entrepreneurs to support economic development in our communities • Supportive of improved safety provisions | <ul style="list-style-type: none"> • At Second Reading debate |

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| Bill 175 <i>Safer Ontario Act, 2017</i> | <ul style="list-style-type: none"> • Provides for a new <i>Police Services Act</i> and a new <i>Policing Oversight Act</i> • Mandates municipal gov'ts to develop Community Safety and Well-Being Plans • Limited civilianization for delivery of some public safety functions • 1 police service board per OPP detachment • Own Force Police Service Boards reforms- training + diversity requirements • Provincial Inspector General establishment • Limited suspension without pay provisions • New waterway policing requirements | <p>Priority policing modernization Asks:</p> <ul style="list-style-type: none"> • Make changes to the interest arbitration system. • Improve the quality of the existing governance and civilian oversight system. • Make legislative changes to permit the greater transfer of specific functions to civilians or other security providers where appropriate. • Please see 2015 AMO Policing Modernization report | <ul style="list-style-type: none"> • AMO's priority Asks not included in Bill 175- doesn't address improved efficiency + affordability • Some of the legislative changes will advance modernization agenda esp. oversight however many elements will increase municipal costs • At Second Reading debate |
| Bill 177 – the Stronger, Fairer Ontario (Budget Measures) Act Note- many schedules affect municipal gov'ts | <p><u>Schedule 2 – Building Code Act</u></p> <ul style="list-style-type: none"> • Enables the establishment of a Building Condition Evaluation Program and a list of building types subject to inspections; • Enables the creation of a continuing education and professional development program for building officials, inspectors, designers and other relevant persons; • Authorizes municipalities to establish administrative penalties for non-compliance and authorizes Building Code officials to impose such penalties; • Improves public notification of orders and enables or in some instances requiring the registration of orders in a land registry office; and • Permits building officials to enter into buildings and onto land without a warrant for the purposes of inspecting a building, subject to limitations on entry into dwellings. | <ul style="list-style-type: none"> • The approach the province took on Part 1 of the Elliot Lake Inquiry recommendations is appreciated rather than simply implementing all the recommendation without consideration of municipal impact • Would have been better to see Elliot Lake legislation introduced as a standalone bill rather than as a budget item. • It was recommended that any registry or complaints system (as part of the Building Condition Evaluation Program) be housed with the Province and not with individual municipal governments as additional administrative burden | <ul style="list-style-type: none"> • At Second Reading debate |

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| | <u>Schedule 26 – Ministry of Revenue Act</u> <ul style="list-style-type: none"> Enables MOF to request info about a person or business entity from a municipal government and enables municipal governments to respond for the purposes of tax compliance, addressing the underground economy and with some limitations to protect privacy. | <ul style="list-style-type: none"> To address the underground economy for the purposes of maximizing tax compliance. Given the administrative burden this item may have on municipal governments, it is important that a municipal government's response to the MOF's request for information about a person or business entity remain voluntary. | |
| | <u>Schedule 28 – Municipal Act</u> <ul style="list-style-type: none"> Amends sections of <i>the Municipal Act</i> on the Vacant Unit Rebate Program enabling prescribed local municipalities to impose additional requirements or alternative requirements. The amendments also enable the Minister to make regulations on how the amount of the tax rebate is to be shared by municipal governments and school boards. | <ul style="list-style-type: none"> These changes should provide municipal governments with more local flexibility as per requests | |
| | <u>Schedule 35 – Provincial Offences Act</u> <ul style="list-style-type: none"> Amends 'prosecutor' to include persons acting on behalf of a municipality Introduces new procedure for 'early resolution meetings between defendant and the prosecutor' Requires court houses to be equipped to enable remote attendance of early resolutions meetings The legislation introduces changes to fine enforcement. Administrative penalties imposed for defaults will not be affected by payment extensions and there will be a requirement for defaulted fines to be paid in chronological order. | <ul style="list-style-type: none"> The amendments enabling the transfer of responsibility for prosecuting Part III cases to municipalities may result in another unfunded mandate for municipal governments. Since the legislation requires municipal 'agreement,' it is important that a pilot project model not be used to eventually transfer this responsibility onto unwilling municipalities. More information needed about the implications and alleged benefits of this change | |

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| | <ul style="list-style-type: none"> Enables municipalities by agreement with MAG to prosecute any offence under <i>the Act</i> or the <i>Federal Contraventions Act</i> (eliminating restriction to part 1 and part 2 proceedings) | <ul style="list-style-type: none"> AMO has supported efforts to introduce new POA processes that enable minor matters to be resolved outside of trial to minimize costly judicial involvement. AMO has also been supportive of using new technologies (remote attendance) to streamline processes and reduce costs | |
| | <p><u>Schedule 45 – Workplace Safety and Insurance Act</u></p> <ul style="list-style-type: none"> The proposed amendments make workplace mental stress claim provisions retroactive to 2014 | <ul style="list-style-type: none"> This change would result in increased costs for Ontario's municipal governments. In 2017 and 2018, the WSIB's Premium rate resulted in decreased rates for many employers with the notable exception of local governments, which saw premiums increase well above inflation. The implementation of the WSIB Workplace mental stress program is expected to be challenging for all employers. | |

The Ontario Legislature will rise on December 14th and will resume on February 13, 2018. We will keep members informed as more information is available.

Contact: Monika Turner, Director of Policy, mturner@amo.on.ca, 416.971.9856 ext. 318