



Bill 68, Modernizing Ontario's Municipal Legislation Act - Summary of Changes (LS17028)

August 14, 2017

Modernizing Ontario's Municipal Legislation Act

- Bill 68 received Royal Assent on May 30, 2017.
- It makes changes to the Municipal Act, the Municipal Conflict of Interest Act, the Municipal Elections Act and the Planning Act, among other Acts.
- Some of these changes are in force, others will come into force at a future date which is yet to be determined by the Province.
- The report summarizes the changes under nine headings.

Codes of Conduct and the Municipal Conflict of Interest Act

- All of these changes will come into force at a future date.
- An Integrity Commissioner will be mandatory for all municipalities and local boards.
- The Integrity Commissioner, in addition to applying Codes of Conduct, will apply the Municipal Conflict of Interest Act. This includes giving advice to members of Council and local boards on the Municipal Conflict of Interest Act.
- There will be protection from Integrity Commissioner investigations during an election period.
- Members of Council or local boards who declare a pecuniary interest in a matter will be required to file a statement of the interest with Clerk and the statements will be maintained in a public registry.

Elections

- All of these changes are in force or come into force on April 1, 2018.
- Starting in 2022, Council's term will begin on November 15 rather than on December 1.
- The maximum contribution to a candidate or a registered third party is increased from \$750 to \$1,200.
- The Clerk calculates the maximum contribution a candidate and their spouse may make according to a prescribed formula and provides a certificate of this maximum contribution to the candidate.

Enforcement

- All of these changes are in force.
- Existing signs are no longer required to be grandfathered when a new sign by-law is passed. Council may decide on what extent to grandfather signs.
- A City by-law may regulate site alteration in areas under the jurisdiction of a Conservation Authority. The process for selecting a consultant to review the Site Alteration By-law is underway and they will be asked to address this change, specifically in relation to larger fill operations and the impact to municipal interests such as mud tracking and dust control, truck routes and generating sites.
- A municipality's authority to use an administration penalty system for all by-laws passed under the Municipal Act, not only for parking by-laws, is confirmed. The Licensing and By-law Services Division is working to expand the use of the system to other enforcement by-laws.

Environment

- All of these changes are in force.
- A municipality's authority to pass by-laws concerning its economic, social and environmental well-being now explicitly includes the authority to pass by-laws concerning climate change.
- By-laws may be passed respecting the protection or conservation of the environment for buildings to be constructed in accordance with the building code provided that such by-laws do not conflict with the building code.
- A municipality has authority to participate in long-term energy planning in the municipality, including consideration of energy conservation, climate change, and green energy.

Finance: Tax Collection, Tax Sales and Investments

- All of the changes with respect to **tax collection**, with one exception (Transient Accommodation Tax) are in force.

The changes improve clarity and efficiency, for example: all or part of a tax refund may be credited to an outstanding tax liability; a tax bill may be sent electronically, if requested; and, a municipality may cancel, reduce or refund a payment in lieu of taxes.

- The changes with respect to the registration of tax certificates for **tax sales** are in force. Other changes with respect to tax sales will come into force at a future date.

The changes include shortening the time for registering a tax arrears certificate from three years to two years.

- It will be possible to make **investments** in any security under a “prudent person” option upon Council approval of an appropriate “Statement of Investment Policies and Procedures”. This change is not in force and assessing it will have to wait until the content of any regulations is known.

Meetings

- All of these changes will come into force at a future date.
- The definition of a meeting will be clarified to require that a quorum be present and that business is materially advanced.
- Electronic participation in meetings will be possible when the meeting is open to the public and the member participating electronically is not counted as part of quorum.
- The exceptions allowing meetings to be closed for the consideration of particular subject matters will be expanded to include:
 - o information explicitly supplied in confidence by Canada, a Province or territory or a Crown agency;
 - o a trade secret or scientific, technical, commercial, financial or labour relations information supplied in confidence which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - o a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
 - o a position, plan, procedure, criteria or instruction to be applied to any negotiations.

Planning

- Both the changes with respect to planning are in force.
- An agreement containing conditions on a permit to convert or demolish rental residential property can be registered on title and, therefore, enforced against subsequent owners.
- The list of matters of provincial interest is expanded to include the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Policies

- These changes will come into force at a future date.
- Municipalities will be required to have policies on:
 - o Council-municipal employee relations – The City has a number of measures in place with respect to Council-municipal employee relations, including the Council and Employee Codes of Conduct, and these will be listed in the policy.
 - o protection and enhancement of the tree canopy and natural vegetation – The City has a number of measures in place with respect to protection and enhancement of the tree canopy and natural vegetation, including Tree and Woodland Conservation By-laws, a Tree Preservation and Sustainability Policy, and Tree Protection Guidelines for Development, and these will be listed in the policy.
 - o pregnancy and parental leaves of Council members – This is a new measure as will be set out in the policy.

Other

- All of these changes are in force.
- What community Councils may be responsible for and what their composition may be is set out.
- A municipality has authority to enter onto land adjoining its land for the purpose of maintaining, repairing or altering its land.
- The municipal auditor is no longer required to approve record retention periods.
- A member of Council may be absent for a maximum of 20 consecutive weeks as a result of pregnancy or the birth or adoption of a child without their office becoming vacant.