



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	August 10, 2020
SUBJECT/REPORT NO:	Bill 197—The <i>COVID-19 Economic Recovery Act, 2020</i> (LS20020) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Various Departments, Divisions and Contributors
SUBMITTED BY:	Nicole Auty City Solicitor Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

Bill 197, the *Covid-19 Economic Recovery Act, 2020* was introduced by the provincial government on July 8, 2020 and passed into law on July 21, 2020. It is a comprehensive omnibus bill that contains 20 Schedules and affects 43 Ontario statutes in total as summarized in this report. From a municipal perspective, highlights include Ontario statutes in total, as summarized in this report from a municipal perspective.

While not all elements of Bill 197—the *Covid-19 Economic Recovery Act, 2020*—have a direct impact on the City of Hamilton or Ontario municipalities, this report summarizes all significant changes given the breadth and significance of the legislation by way of reference to each of its 20 schedules:

1. ***Building Code Act, 1992***—amendments transfer the regulation-making authority from the Lieutenant Governor in Council to the Minister of Municipal Affairs and Housing;
2. ***City of Toronto Act, 2006***—amendments permit electronic participation in meetings and proxy voting;
3. ***Development Charges Act, 1997***—amendments:
 - a. expand the list of services for which a development charge can be imposed

- relative to the list that was included in the *More Homes, More Choice Act, 2019*;
- b. set out the relationship between development charges and the community benefits charges (“CBC”) that can be imposed by by-law under the *Planning Act*;
 - c. outline the services to be included in classes and stipulates that a class set out in a by-law is deemed to be a single service relation to reserve funds, the use of money from reserve funds and credits; and
 - d. to summarize, combined with the *Planning Act* amendments discussed below, municipalities can continue recover the costs of soft services (such as libraries, community and daycare centres) through development charges. While municipalities may be able to choose whether a particular service is funded through development charges or a new CBC, those costs can only be recovered once;
4. ***Drainage Act***—amendments relate primarily to the service of documents and to the processes involved in amending engineers’ reports, approving improvement projects and requesting environmental appraisals;
5. ***Education Act***—amendments:
- a. remove the requirement that directors of education must be supervisory officers that are qualified as teachers;
 - b. stipulate that boards shall not appoint or employ a person as a director of education unless the person holds the qualifications outlined in the regulations;
 - c. permit the Minister, in response to the outbreak of COVID-19 operate one or more demonstration schools for exceptional pupils in either a residential or non-residential setting for the 2020-2021 school year; and
 - d. authorize regulations providing that pupils in specified grades of elementary school shall not be suspended or can only be suspended in rare circumstances;
6. ***Environmental Assessment Act***—amendments come into force in three phases to transition gradually to ‘a more modern approach’ to environmental assessments and include:
- a. a focus on projects that have the “highest impact on the environment”

while simultaneously reducing assessment timelines from six to three years for the largest projects;

- b. giving the Lieutenant Governor in Council power to make regulations designating enterprises and activities, and proposals, plans and programs in respect of enterprises and activities, as projects to which the Act applies;
- c. revising the environmental assessment process that the person must complete in order to obtain the approval;
- d. permitting proponents of undertakings under an approved class environmental assessment to follow a less onerous environmental assessment process;
- e. immediately stipulating that no further class environmental assessments will be approved and will subsequently implement a streamlined environmental assessment process for certain projects;
- f. preserving existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in the *Constitution Act, 1982*;
- g. requiring a proponent to obtain municipal support if project requires a landfilling site;
- h. allowing the Minister to require changes after the project is approved; and
- i. imposing a 10-year expiry date for previously approved projects if they did not specify an expiry date although Minister may exempt certain projects from this requirement;

7. *Farm Registration and Farm Organizations Funding Act, 1993*—amendments relate to the:

- a. appeal process for a person who has been denied a farming business registration number;
- b. eligibility of francophone organizations to receive special funding; and
- c. power to make regulations governing service of documents;

8. *Justices of the Peace Act*—amendments to speed up the appointment process primarily are aimed at the composition and functions of the Justices of the Peace Appointments Advisory Committee:

- a. Committee's composition changed to have three core members and fewer regional members;
 - b. confidentiality protections extended to certain records/information collected, prepared, maintained or used by the Committee or the Attorney General;
 - c. Committee now required to include statistics about the sex, gender, race and other characteristics of all candidates who volunteer that information in its annual report;
 - d. Committee submits a list of all candidates and associated recommendations to the Attorney General who may only recommend a candidate who has been classified as "Recommended" or "Highly Recommended" although Attorney General may reject the Committee's recommendations and require that a new list be prepared; and
 - e. Attorney General may terminate the appointment of members for the purpose of transitioning the Committee to its new composition while limiting compensation/damages and barring certain causes of action/proceedings;
- 9. *Marriage Act***—as many marriages postponed due the pandemic amendments provide that, if a provincial emergency is declared during the valid period of a marriage licence (presently three months), its validity is extended beyond its term until 24 months after the emergency ends, if particular conditions are met;
- 10. *Ministry of Municipal Affairs and Housing Act***—amendments establish a 'Provincial Land and Development Facilitator' who shall, at the direction of the Minister, advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests;
- 11. *Modernizing Ontario for People and Businesses Act, 2020***—amendments:
- a. repeal and replace both the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017* with this new Act; and,
 - b. introduce various measures to reduce regulatory costs for business (such as adopting recognized industry standards; applying less onerous requirements; providing digital services to stakeholders; reducing unnecessary reporting; and) including the requirement to introduce 'offsets' for legislative changes that increase administrative costs for business.

- 12. Municipal Act, 2001**—as seen in the revisions to the COTA, amendments permit virtual meetings outside of a declared emergency period and allows councillors to vote by proxy if permitted by the procedural by-law;
- 13. Occupational Health and Safety Act**—amendments grant the authority to adopt by regulation certain codes, standards, criteria and guides as they are amended rather than amend the Act each time one is revised to reflect the new standard;
- 14. Ontario Educational Communications Authority Act**—amendments expand the objectives of the Act to include supporting the establishment, administration and coordination of distance education programs and adding related regulation-making powers;
- 15. Ontario French-language Educational Communications Authority Act, 2008**—amendments expand the objectives of the Act to include supporting the establishment, administration and coordination of distance education programs and adding related regulation-making powers;
- 16. Payday Loans Act, 2008**—amendments:
- a. set a maximum interest rate of 2.5 per cent per month (not to be compounded) on the outstanding principal if the advance under the payday loan agreement is \$1,500 or less and the term of the agreement is 62 days or less (which limits can be changed by regulation); and
 - b. stipulate that a fee no greater than \$25 may be charged for a dishonoured cheque, pre-authorized debit or other instrument of payment and a lender cannot impose such a fee more than once with respect to each payday loan agreement;
- 17. Planning Act**—amendments include:
- a. changes to the community benefits charge (the “**CBC**”) regime which was passed in 2019’s Bill 108 but had not yet come in force. Under the new CBC regime, municipal councils, via by-law, may impose CBCs to fund the “capital costs of facilities, services and matters required because of development or redevelopment in the area to which the bylaw applies.” However, a CBC cannot be imposed on a development with fewer than five stories at or above ground or fewer than ten residential units. Municipalities may also pass CBC bylaws that include the costs of development charge services or parkland;

- b. retains section 42(3) of the *Planning Act*, which was scheduled for repeal in Bill 108, so that a municipality may pass a bylaw requiring an alternative parkland dedication rate, subject to a Local Planning Appeal Tribunal appeal;
- c. granting the Minister broader order-making powers in relation to site plan control and inclusionary zoning including require the inclusion of affordable housing units in the development or redevelopment of specified lands, buildings or structures.

18. Provincial Offences Act—additional technical and housekeeping amendments will come into force on July 21, 2021 but current amendments ‘will enable municipalities, in consultation with the judiciary, to make greater use of technology to deliver justice services remotely’ including allowing:

- a. defendants to request a trial in early resolution courts and in first attendance municipalities that administer parking, by mail or other electronic method permitted by the court house;
- b. defendants and prosecutors to conduct early resolution discussions remotely in all cases. However, additional criteria must be met before a court can accept a plea of guilty from a defendant who is making the plea by electronic method;
- c. any participant, including a clerk of the court, witness, judge, or justice of the peace, to attend any proceeding remotely by audio or video, unless the presiding judicial official orders otherwise;
- d. the judiciary to order in-person attendance where the interests of justice or a fair trial require it;
- e. provincial offences officers to seek search warrants remotely in all cases and to replace telewarrants—an information given by a means of telecommunication that produces a writing—with electronic warrants, to reflect other electronic communication technologies; and
- f. defendants to provide credible and trustworthy information upon applying for a re-opening without the need to attend court to have an affidavit commissioned;

19. Public Transportation and Highway Improvement Act—amendments eliminate hearings of necessity for expropriations of property under the Act and provides that the Minister may establish a process for receiving comments from

property owners about such expropriations; and

20. *Transit-Oriented Communities Act, 2020*—amendments enact this new Act and also amend the pre-existing *Ministry of Infrastructure Act, 2011* as follows:

- a. *Transit-Oriented Communities Act, 2020*—defines, and permits the Lieutenant Governor in Council to designate land as, ‘transit-oriented community land’ and provides that if any part of ‘transit-oriented community land’ is expropriated in specified circumstances, a related hearings process under the *Expropriations Act* does not apply in relation to the expropriation although a process may be established for receiving/considering comments from property owners; and
- b. *Ministry of Infrastructure Act, 2011*—amended to permit the Minister to make investments supporting or developing transit-oriented community projects related to priority transit projects.

APPENDICES AND SCHEDULES ATTACHED

N/A