The Corporation of the
Township of Wilmot 60 Snyder's Road West, Baden, Ontario N3A 1A1

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Reply to: Tracey Murray
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January 16, 2019

Hon. Steve Clark
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, Ontario M5G 2E5

Dear Hon. Steve Clark,

At its regular meeting on January 14, 2019, the Council of The Corporation of The Township of Wilmot adopted the following resolution:

BE IT RESOLVED:

THAT Report DS 2019-01 be received for information; and,

THAT Report DS 2019-01 be forwarded to the Ministry of Municipal Affairs & Housing as the Township of Wilmot's comment on Bill 66 and the draft regulation implementing same prior to the January 19, 2019 deadline for comments.

CARRIED.

Sincerely,

Tracey Murray
Deputy Clerk

Att. Staff report DS 2019-01

Township of Wilmot
REPORT

REPORT NO.	**DS 2019-01**
TO:	**Council**
PREPARED BY:	**Harold O'Krafka, MCIP RPP** **Director of Development Services**
DATE:	**January 14, 2019**
SUBJECT:	**Bill 66 – Restoring Ontario's Competitiveness Act, 2018** **Response to Proposed Amendments to the Planning Act**

Recommendation:

That Report DS 2019-01 be received for information; and,

That Report DS 2019-01 be forwarded to the Ministry of Municipal Affairs & Housing as the Township of Wilmot's comment on Bill 66 and the draft regulation implementing same prior to the January 19, 2019 deadline for comments.

Background:

On December 6, 2018 the Provincial government gave first reading to Bill 66 – Restoring Ontario's Competitiveness Act, 2018. A copy of Bill 66 is attached as Appendix A.

The Act proposes over 30 actions to, in theory, make it easier for businesses to create jobs and for people to find jobs. A copy of the Bill 66 Backgrounder is attached as Appendix B and details the many actions included in Bill 66 above and beyond the Planning Act amendments.

This report deals only with the proposed Planning Act amendment and in particular the introduction of Section 34.1, which would allow municipalities, with Ministerial approval, to pass an "Open for Business" by-law.

The Province anticipates that "Open for Business" by-laws would allow a streamlined zoning approval process for certain developments, and exempt them from compliance with higher order planning documents and legislation - or as the Province now refers to those documents – "red tape and burdensome regulations".

No advance public notice is required prior to the passing of an Open for Business By-law and, once passed, there is no right of appeal to the Local Planning Appeal Tribunal, suggesting that in addition to higher order planning documents and legislation, public consultation also represents "red tape and burdensome regulations".

Discussion:

Bill 66 upends traditional employment land planning with the introduction of “Open for Business” bylaws.

With the introduction of Bill 66 a major industry would need to simply pick a site, any site regardless of designation, regardless of location and make a pitch to municipality that an “Open for Business” bylaw be passed to streamline the approvals process and bypass “red tape and burdensome regulations” which would include sourcewater protection, the preservation of prime agricultural soils, public participation and inter-municipal communication.

And while on the surface it would seem fairly simple to say that Wilmot will never use an “Open for Business” bylaw staff would suggest that such a proclamation would be premature.

Staff do feel it is reasonable to raise concerns with the proposed legislation and seek modifications to the draft legislation but any outright statement should be avoided.

The Benefits of Bill 66

The benefits of Bill 66 are not really in what it affords municipalities but rather what it affords business.

It allows major employers to potentially dramatically reduce their land acquisition costs by essentially opening up the potential site selection process to every parcel of land in Ontario.

A major employer would not be limited to looking at designated employment lands but rather would have the ability to consider farmlands in locations that meet their locational criteria without regard for public opinion, and without regard for upper tier and/or agency oversight.

Local Council acceptance and Ministerial approval are the only apparent requirements to be achieved under Bill 66 and staff suggest that the financial rewards would be quite difficult for most Council’s to forego despite the best of intentions.

The Concerns with Bill 66:

The Erosion of Stability and Dependability in Employment Land Use Planning

The current planning environment creates a measure of stability. Local Official Plans in concert with upper tier Official Plans, Provincial policies and the Planning Act create a defined process to consider need for employment lands, consider the impacts of employment uses and plan for employment uses in appropriate locations to the benefit of communities, regions and the Province.

It would seem that the Province is now of the opinion that the regulatory framework it has developed is to blame for delays in development approvals and rather than fix the flaws in the system it will simply exempt large employers from the system.

Staff would suggest that the need to be “Open for Business” should apply equally to businesses large and small and the flaws in the approvals system should be fixed to the benefit of all rather than introducing a two tier system of employment land use planning.

Staff are of the opinion that Province has had ample opportunity to dramatically streamline the approvals process, without loss of analysis or public input, by publishing regulations necessary for the implementation of Conditional Zoning.

Conditional Zoning was introduced in 2006 but regulations have never been passed and as such this tool remains unavailable to municipalities.

The Devaluation of Large Blocks of Existing Employment Lands

To a certain extent the advent of Bill 66 has the potential to devalue large blocks of existing designated employment lands by creating an uneven playing field. Whereas prior to Bill 66 employment land owners were competing only with other employment land holders under the new Bill 66 landscape the competition is wide open and certainly not level.

In Wilmot Township, for example, consider the difficult decision and uneven playing field if a large employer proposed to locate on the MTO controlled lands south of Highway 7&8 across from the WRC rather than within the designated employment lands to the north of Highway 7 & 8 and west of the WRC.

Degradation of Groundwater, Environmental, Prime Agricultural Soils and Other Protections

Perhaps the most pronounced concerns with the proposed "Open for Business" bylaw is the potential that development approved through such a process may compromise the protection of the natural environment, groundwater resources, floodplains and prime agricultural lands. While Bill 66 would in theory allow for exemption from such considerations there does not appear to be a requirement that a municipality using the provision must ignore the environment. In the absence of detailed proposed regulations it certainly directs public opinion, rightly or wrongly, to the worst case lowest possible denominator.

In a municipality which relies on groundwater and prides itself on source water protection activities it is difficult to envision approving any development without proper analysis of the impacts of the development on groundwater.

In particular the elimination of oversight by the Region, who is tasked with source water protection co-ordination and the supply of clean water, is particularly troublesome and certainly not supported by staff in any scenario.

Staff would suggest that in reality environmental and agricultural policies are not an impediment to economic development. Rather, the broad brush approach to Provinicial Planning without regard to local planning is what creates the impediment to economic development.

Take for example the Growth Plan for the Greater Golden Horseshoe. In 2006 the requirement was created that local municipality's undertake a municipal comprehensive review of employment lands prior to designating new employment lands and/or redesignating old employment lands.

The requirement seemed logical – at a local level look at what you have, look at where it is, look at what you need and consider your direction for the future.

In 2017 the Province modified the Growth Plan to require that the municipal comprehensive review be undertaken at the Regional level which creates not only the potential for a disconnect between the needs of Wilmot Township versus the needs of the Region but also an inability to

move forward with new development and redevelopment opportunities subject to a study whose timelines are outside of Wilmot's control.

While it can be argued that Bill 66 gives that power back to the Township it seems to be at the expense of the logical and orderly long range planning function of a municipality.

The need for an "Open for Business" bylaw process within a planned and designated business park is minimal.

Degradation of Inter Municipal Consultation, Review and Appeal Rights

Significant concerns are shared between Township, Regional and other area municipal staff with the exclusion of inter-municipal consultation prior to the passing of an "Open for Business" bylaw.

The loss of the ability to consider, review, comment and if necessary appeal the decisions of our neighbours in cases where those decisions might impact negatively upon the Township of Wilmot is of considerable concern.

Consider the scenario of a business wanting to locate south of Highway 7 & 8 rather than the Wilmot Employment Lands development. What if that same business decided to locate immediately west of the Township adjacent to the Wilmot / Perth East boundary? Traffic impacts? Noise Impacts? Groundwater Impacts? In a typical development scenario under todays rules the Township and the Region would be able to participate in the approvals process. Under Bill 66 there would be no requirement for Perth East to consult and this is a significant concern.

Degradation of Public Consultation, Review and Appeal Rights

In similar fashion to the concerns related to inter-municipal consultation staff share the concerns that residents are similarly excluded from the process.

Staff are concerned that if the Province feels public participation is a road block to economic development what is preventing the Province from deciding that significant residential developments should also be able to be approved without public consultation.

As such this legislation represents the top of a slippery slope. In the opinion of staff the seed for Bill 66 was planted by the previous governments plan to limit the EA for high speed rail between Kitchener and London to only one option, a new corridor through prime farmland.

While cloaked as an EA and promoted as an investment in preserving farmland by promoting higher density development in urban environments the net result was the same, limiting public participation.

The Township of Wilmot raised its concerns with the elimination of due public process to the Province in response to High Speed Rail and certainly should respond in similar fashion by opposing the premise of Bill 66.

Loss of Prime Agricultural Lands

Ultimately staff envision that the approval of Bill 66 will begin a parade of proposals for new industries to locate on prime agricultural lands along Highway 7&8 at/or near interchanges. The

attractiveness of large parcels of unserviced lands for employment uses which may have more than 50 employees but which require limited access to services will be difficult to prevent.

The diligent work of the Township to protect prime agricultural lands for the long term from the influences of development pressures by consolidating urban type uses between New Hamburg and Baden could quickly be undone without a strong commitment that the Township of Wilmot will not forgo the long term land use vision of its recently updated Official Plan.

Ministers Zoning Order Already Provides for Provincially Significant Requirements

The ability to impose zoning permissions for uses deemed to be of Provincial interest is already in place in the Planning Act.

The new powers proposed under an “Open for Business” bylaw mimic the power the Minister already holds under Section 47(1) to arbitrarily exempt lands from a typical planning process, and impose zoning provisions when it is deemed, typically, in the Provincial interest. The only apparent difference is that the burden of the decision is largely placed on local Councils with oversight by the Minister.

There is no guarantee the Minister will agree to an “Open for Business” bylaw proposal and yet the legislation focuses the expectation that being ‘Open for Business’ is a local decision when in fact it is a power the Minister already holds.

The concern ultimately is that Bill 66 is unneeded and serves only to cause confusion within the development industry, unbalance the playing field and undermine and degrade good public planning and policy.

The Proposed Regulation

The purpose of the proposed regulation is to facilitate implementation of the proposed open-for-business planning by-law. In the absence of the specific details of the regulation it is difficult to comment on it.

Staff would suggest that if the Province intends to proceed with the amendment to the Planning Act to create the opportunity for “Open for Business” bylaws that at a minimum the implementing regulation should require consultation with, and opportunity for input from, adjoining municipalities in accordance with the standard Planning Act notice requirements prior to the passing of by-law.

Strategic Plan Conformity:

Bill 66, following in the footsteps of the scoped EIS for high speed rail between London and Kitchener, is an affront to the four goals of the Wilmot Strategic Plan being: we enjoy our quality of life, we are an engaged community, we protect our natural environment and we have a prosperous economy.

While it would appear on the surface that Bill 66 is designed to assist the municipality in ensuring a prosperous economy staff would argue that promoting business development at the expense of community engagement, our natural environment and potentially our quality of life does not equate to a prosperous economy. Appendix C graphically highlights the interwoven nature of our four Strategic Plan Goals

Financial Considerations:

There are no financial implications of filing comments on pending Provincial legislation.

Conclusion:

Staff are of the opinion that it is important that Wilmot Council express its concern with legislation that proposes eliminating engagement of the public in decision making, that proposes allowing decisions to be made without considering environmental impacts, that proposes allowing decisions to be made in one community without considering the impact of those decisions on the quality of life on residents in another municipality and that suggests that without eliminating a dependable employment lands planning framework a municipality is 'closed for business'.

Staff recognize that the response from the Province will most likely be to the effect that there is no requirement that Council exercise the powers.

While staff are confident that Wilmot would not allow itself to be put into a position to consider ignoring our long term employment land use planning strategy for the community, forgoing environmental stewardship and protection of our prime agricultural lands we are concerned that Bill 66 affords the opportunity for neighbouring municipalities to do just that – at the potential peril of our community and our quality of life.

As such staff recommend that Council should oppose the proposed amendments of Bill 66 related to "Open for Business" bylaws.

Staff further recommend that Council should request that if the Province moves forward with Bill 66 that the implementing regulations, at a minimum, maintain and require the traditional consultation between adjoining municipalities and upper/lower tiers on such matters as traffic impacts, groundwater protection and protection of the natural environment as pre-conditions to any Ministerial approval of an Open for Business bylaw.

And finally, staff recommend that Council request the Province to move forward with the regulations for Conditional Zoning as a real opportunity to streamline the development approvals process and truly create an Open for Business climate while maintaining an even playing field not only between land owners but between municipalities.

Harold O'Krafka
Prepared and Submitted by Director of Development Services

Grant Whittington
Reviewed by CAO

8.2.1

APPENDIX A.

Legislative Assembly of Ontario

Assemblée législative de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 66

An Act to restore Ontario's competitiveness by amending or repealing certain Acts

The Hon. T. Smith
Minister of Economic Development, Job Creation and Trade

Government Bill

1st Reading	December 6, 2018
2nd Reading	
3rd Reading	
Royal Assent	

8.2.1

EXPLANATORY NOTE

SCHEDULE 1
MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

Agricultural Employees Protection Act, 2002

The Schedule extends the application of the *Agricultural Employees Protection Act, 2002* to employees who engage in ornamental horticulture.

Farm Registration and Farm Organizations Funding Act, 1993

The Schedule makes several amendments to the *Farm Registration and Farm Organizations Funding Act, 1993*. Some of the more significant amendments include:

1. Section 2 of the Act is amended to eliminate the requirement for certain persons carrying on a farming business to file a farming business registration form with the Minister. Instead, the section would include a requirement for these persons to register the farming business by submitting an application for a farming business registration number to the Ministry. Regulations may be made in relation to the applications for farming business registration numbers and to the expiry and renewal of such numbers.
2. Section 21 of the Act is amended to clarify the Ministry's role in receiving payments from farming businesses along with applications for farming business registration numbers and forwarding those payments to the appropriate accredited farm organization. The Ministry's authority to recover related administrative costs is also clarified.
3. New sections 31.1 to 31.12 are added to the Act to give the Minister the power to make regulations designating a corporation as a Farm Registration Administrator and delegating to the administrator responsibility for the administration of specified provisions of the Act or of regulations made under subsection 33 (2), or both. The provisions require that the Minister enter into an administrative agreement with a prospective designate. Several provisions relate to the governance, duties, liability and accountability of a Farm Registration Administrator.
4. The regulation-making powers currently held by the Lieutenant Governor in Council under section 33 of the Act are revised and certain regulation-making powers are transferred to the Minister.

Ministry of Agriculture, Food and Rural Affairs Act

The Schedule amends the *Ministry of Agriculture, Food and Rural Affairs Act*. Section 6.2 of the Act is amended to clarify that the Minister may make orders under that section establishing loan guarantee programs. The loan guarantees themselves continue to be given by the Lieutenant Governor in Council under section 8 of the Act, whether as part of a loan guarantee program or otherwise. Section 8 of the Act is amended to provide that the loan guarantees may be given not only in respect of loans made to farmers but also in respect of loans made to entities that provide loans to farmers.

SCHEDULE 2
MINISTRY OF THE ATTORNEY GENERAL

Pawnbrokers Act

The Schedule repeals the *Pawnbrokers Act* and makes a consequential amendment to the *Personal Property Security Act*.

SCHEDULE 3
MINISTRY OF EDUCATION

The Schedule amends the *Child Care and Early Years Act, 2014* and the *Education Act*. Here are highlights of some of those amendments:

Currently, sub-subparagraph 1 iv A of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that the group of children in the care of one home child care provider may not include more than two children who are younger than two years old. This sub-subparagraph is amended to increase the number to three children who are younger than two years old.

Currently, sub-subparagraph 1 iv B of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that the group of children in the care of two home child care providers may not include more than four children who are younger than two years old. This sub-subparagraph is amended to increase the number to six children who are younger than two years old.

Currently, subparagraph 2 iii of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that the group of children in the care of an unlicensed child care provider may not include more than two children who are younger than two years old. This subparagraph is amended to increase the number to three children who are younger than two years old.

Currently, subparagraph 3 iv of subsection 6 (3) of the *Child Care and Early Years Act, 2014* provides that, with respect to in-home services, financial assistance must be provided under the Act for child care in order to be excepted from the application of subsection 6 (1). This subparagraph is repealed.

Currently, paragraph 4 of subsection 6 (4) of the *Child Care and Early Years Act, 2014* provides that only children who are six years old or older may be registered in an authorized recreational and skill building program. This paragraph is amended to lower the age restriction to children who are four years old or older.

Currently, paragraph 2 of subsection 259 (2) of the *Education Act* provides that a board must ensure that a third party program operated for the purposes of section 259 of the Act is led by an early childhood educator or another person who meets criteria set out in a regulation made under the *Child Care and Early Years Act, 2014*. This paragraph is repealed.

Currently, paragraph 1 of subsection 259.1 (2) of the *Education Act* provides that a board must ensure that a third party program operated for the purposes of section 259.1 of the Act must meet the requirements set out in subsection 259 (1) or (2) or be a program prescribed by the regulations. This paragraph is re-enacted to provide that a board must ensure that a third party program operated for the purposes of section 259.1 of the Act must be a child care centre licensed under the *Child Care and Early Years Act, 2014* or another program prescribed by the regulations made under the *Education Act*.

SCHEDULE 4
MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES

Ontario Energy Board Act, 1998

The Schedule amends section 78 of the *Ontario Energy Board Act, 1998* to remove references to unit sub-metering, and to add a reference to unit smart meter providers in subsection 78 (9). A consequential amendment is made to the regulation-making authority in clause 88 (1) (g.6.0.2) of the Act.

SCHEDULE 5
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

Toxics Reduction Act, 2009

The Schedule amends the *Toxics Reduction Act, 2009* to provide that the Act is repealed on December 31, 2021. The Schedule also revokes the regulations made under the Act as of the same day.

SCHEDULE 6
MINISTRY OF FINANCE

Pension Benefits Act

Currently, subsection 80.4 (1) of the *Pension Benefits Act* provides that the conversion of single employer pension plans to jointly sponsored pension plans, implemented through a transfer of assets and liabilities, is only available with respect to plans that are public sector plans and with respect to prescribed pension plans or classes of pension plans. The Schedule repeals subsection 80.4 (1).

SCHEDULE 7
MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

Technical Standards and Safety Act, 2000

The Schedule amends the *Technical Standards and Safety Act, 2000* so that it no longer applies to upholstered or stuffed articles. The Schedule also allows alternate rules made by a director and approved by the Minister under the Act to regulate any matter to which the regulations made under the Act apply. If alternate rules exist, they apply to the matter instead of the regulations and Minister's orders made under the Act, to the extent provided in the alternate rules.

Wireless Services Agreements Act, 2013

The Schedule repeals the *Wireless Services Agreements Act, 2013* and revokes the two regulations made under it.

SCHEDULE 8
MINISTRY OF HEALTH AND LONG-TERM CARE

Long-Term Care Homes Act, 2007

The Schedule amends subsection 44 (10) of the *Long-Term Care Homes Act, 2007* to remove the Director from the list of persons who must be provided a written notice if the licensee withholds approval for admission. Section 106 of the Act is amended to allow the Director to determine how public consultations will be conducted. Under the amended section 106, the Director is required to consult the public for various licensing transactions, unless the Director has determined that a public consultation is not warranted in the circumstances, and the Director may make a policy for this purpose. Section 112 of the Act is amended to allow the Director to issue non-renewable temporary emergency licences for a term of not more than one year to accommodate persons affected by a temporary emergency. Section 113 of the Act is repealed but short-term authorizations given by the Director before the day of the repeal continue to be valid until their authorization period expires.

SCHEDULE 9
MINISTRY OF LABOUR

Employment Standards Act, 2000

The Schedule amends the *Employment Standards Act, 2000*. The major elements are described below.

Section 2 of the Act is amended to provide that the Director, and not the Minister, is required to publish a poster providing information about the Act and regulations. Employers are no longer required to post the poster in the workplace.

Part VII of the Act is amended to remove the Director's approval for employers to make agreements that allow their employees to exceed 48 hours of work in a work week.

Part VIII of the Act is amended to remove the Director's approval for employers to make agreements that allow them to average their employee's hours of work for the purpose of determining the employee's entitlement to overtime pay. The employee's hours may be averaged in accordance with the terms of an averaging agreement between the employee and the employer over a period that does not exceed four weeks.

Labour Relations Act, 1995

The Schedule amends the *Labour Relations Act, 1995* to deem municipalities and certain local boards, school boards, hospitals, colleges, universities and public bodies to be non-construction employers.

Trade unions that represent employees of these employers who are employed, or who may be employed, in the construction industry no longer represent those employees. Any collective agreement binding the employer and the trade union ceases to apply in so far as it applies to the construction industry.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Planning Act

The Schedule amends the *Planning Act* to add a new section 34.1, which allows local municipalities to pass open-for-business planning by-laws. These by-laws involve the exercise of a municipality's powers under section 34 of the Act and allow municipalities to impose one or more specified conditions. A municipality may pass an open-for-business planning by-law only if it has received approval to do so in writing by the Minister and if criteria as may be prescribed are satisfied. Certain provisions of the Act and other Acts that would ordinarily apply to a by-law passed under section 34 do not apply to an open-for-business planning by-law.

SCHEDULE 11
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES

Private Career Colleges Act, 2005

The *Private Career Colleges Act, 2005* is amended to provide that the term of a registration or renewal of a registration shall be specified by the Superintendent in accordance with the regulations or, if there are no regulations, shall be one year unless otherwise specified by the Superintendent.

The Act is also amended to provide that the Superintendent may remove or direct the removal of material or information published under section 49, and that such removal shall be done in accordance with the regulations, if any.

Related regulation-making powers are added.

SCHEDULE 12
MINISTRY OF TRANSPORTATION

Highway Traffic Act

Currently, section 7 of the *Highway Traffic Act* requires a driver of a vehicle to carry the original permit for the vehicle or a true copy of it, and to surrender the permit to a police officer, upon demand. The Act is amended to provide that where the permit is a permit issued by the Ministry or another jurisdiction pursuant to the International Registration Plan, this requirement may also be satisfied with an electronic version of the permit, provided that the permit complies with the requirements of the International Registration Plan and with any requirements established by the Ministry.

References to permits issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration are repealed.

8.2.1

Bill 66 **2018**

An Act to restore Ontario's competitiveness by amending or repealing certain Acts

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3.	Short title
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Schedule 5	Ministry of the Environment, Conservation and Parks
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Schedule 8	Ministry of Health and Long-Term Care
Schedule 9	Ministry of Labour
Schedule 10	Ministry of Municipal Affairs and Housing
Schedule 11	Ministry of Training, Colleges and Universities
Schedule 12	Ministry of Transportation

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 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 *Restoring Ontario's Competitiveness Act, 2018*.

SCHEDULE 1
MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

1 (1) The definition of "agriculture" in subsection 2 (1) of the *Agricultural Employees Protection Act, 2002* is repealed and the following substituted:

"agriculture" includes,

(a) farming in all its branches, including dairying, beekeeping, aquaculture, the raising of livestock including non-traditional livestock, furbearing animals and poultry, the production, cultivation, growing and harvesting of agricultural commodities, including eggs, maple products, mushrooms and tobacco, and any practices performed as an integral part of an agricultural operation, and

(b) ornamental horticulture; ("agriculture")

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

"ornamental horticulture" means the production of ornamental plants or their parts for the purpose of their sale or distribution; ("horticulture ornementale")

"ornamental plant" includes annual and perennial plants, nursery sod, woody plants and Christmas trees; ("plante ornementale")

2 The Act is amended by adding the following section:

Non-application, ornamental horticulture

2.1 For greater certainty, this Act does not apply to a person who is engaged in ornamental horticulture or the production of ornamental plants if,

(a) the person is employed by a municipality to do so; or

(b) the person is employed in silviculture.

3 Section 18 of the Act is amended by adding the following subsection:

Exception

(2) Despite subsection (1) of this section and clause 3 (b.1) of the *Labour Relations Act, 1995*, if, on or before the day subsection 1 (1) of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2018* comes into force, a trade union was certified or voluntarily recognized under the *Labour Relations Act, 1995* as the bargaining agent for a bargaining unit that includes employees of an employer who are engaged in ornamental horticulture,

(a) the *Labour Relations Act, 1995* continues to apply to,

(i) the employees in the bargaining unit, whether or not they were in the bargaining unit at the time of certification or voluntary recognition,

(ii) the trade union that represents the employees described in sub-clause (i), and

(iii) the employer of the employees described in sub-clause (i); and

(b) this Act does not apply to the employees, trade union or employer referred to in clause (a).

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

4 (1) Section 1 of the *Farm Registration and Farm Organizations Funding Act, 1993* is amended by adding the following definitions:

"administrative agreement" means an agreement described in section 31.2; ("accord d'application")

"delegated legislation" means this Act or the regulations or the provisions of this Act or of the regulations that have been delegated to a Farm Registration Administrator under section 31.1; ("législation déléguée")

"farming business registration number" means a unique identifying number issued under this Act; ("numéro d'inscription d'entreprise agricole")

(2) The definition of "farming business" in section 1 of the Act is repealed and the following substituted:

"farming business" means a business that carries on farming activities and reports income from those activities to the Canada Revenue Agency; ("entreprise agricole")

(3) Section 1 of the Act is amended by adding the following definitions:

"Farm Registration Administrator" means a corporation that the Minister has designated as a Farm Registration Administrator under subsection 31.1 (1); ("administrateur des inscriptions d'entreprises agricoles")

"regulation" means a regulation made under this Act; ("règlement")

5 Sections 2 and 3 of the Act are repealed and the following substituted:

FARMING BUSINESS REGISTRATION

When farming business required to register

2 (1) A person who carries on a farming business shall register the farming business with the Ministry if the annual gross income from the farming business, as determined in accordance with the regulations, is equal to or greater than the prescribed amount.

Application for registration

(2) A person who is required to register a farming business shall do so by submitting an application for a farming business registration number to the Ministry in accordance with the regulations.

Assignment of farming business registration number

(3) The Ministry shall assign a farming business registration number to a person who has submitted an application under subsection (2) if the person remits to the Ministry the payment required under section 21.

Validity of registration number

(4) A farming business registration number expires at such time as may be determined in accordance with the regulations.

Renewal of registration number

(5) A person who holds a farming business registration number shall apply to renew it at such time as may be determined by regulation.

Use of information

3 The Ministry may use the information included in an application for a farming business registration number to develop policies and programs for the advancement of agriculture, food and rural affairs for the Ministry, to develop and implement methods of distributing information about the policies and programs, to develop mailing lists and for the prescribed purposes.

6 (1) Subsection 11 (6) of the Act is amended by striking out "organization" and substituting "accredited farm organization".

(2) The English version of subsection 11 (7) of the Act is amended by striking out "accredited organizations" at the end and substituting "accredited farm organizations".

(3) Subsection 11 (8) of the Act is repealed and the following substituted:

Farming business registration number

(8) If a person fails to resubmit a payment that is payable within the time prescribed under subsection (7), the person's farming business registration number shall expire at the end of that prescribed period despite subsection 2 (4).

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

PAYMENTS TO ACCREDITED FARM ORGANIZATIONS

Payment

21 (1) Every person who is required to register a farming business with the Ministry under section 2 shall make a payment in the prescribed amount to an accredited farm organization.

Payment remitted to Ministry

(2) A payment required under subsection (1) shall be remitted to the Ministry together with the application for a farming business registration number.

Forwarding payments to organizations

(3) The Ministry shall promptly forward all payments received under subsection (2) to the appropriate accredited farm organization along with the farming business registration numbers assigned to the persons who made the payments and such other information as may be prescribed.

Method of payment

(4) The payment to an accredited farm organization shall be remitted to the Ministry under subsection (1) in such form or manner as may be prescribed.

Administration fee

(5) The Ministry may charge a fee to accredited farm organizations for collecting payments on their behalf and forwarding the payments to the organizations and the fee shall be paid by the organizations in the amount and manner prescribed.

Revoking farming business registration number

(6) The Ministry may revoke a farming business registration number that was assigned to a person under subsection 2 (3) if the payment that was remitted to the Ministry under subsection (2),

(a) was remitted in the form of a cheque that was subsequently returned with an indication that there were not sufficient funds to cover the cheque; or

(b) was remitted in a form other than a cheque and ultimately all or part of the payment was not collected and was not paid to the accredited farm organization.

Reassignment of registration number

(7) If a person's farming business registration number is revoked under subsection (6), the Ministry may assign another farming business registration number to the person if the person makes the payment that was required under subsection (1) and that payment is received in full by the accredited farm organization.

Refund

(8) Despite subsection (1), any person who makes a payment to an accredited farm organization under this section may apply, within the prescribed time, to the organization for a refund of the payment.

Same

(9) Subject to subsection (10), an accredited farm organization shall promptly refund the amount of the payment made under subsection (1) to any person who applies for the refund within the prescribed time.

Same

(10) A refund shall not be paid to a person who does not have a valid farming business registration number.

No membership

(11) Payment to an accredited farm organization under this section does not confer membership in the organization.

8 (1) Subsections 22 (1), (2) and (3) of the Act are repealed and the following substituted:

Religious objection, individual

(1) If an individual carries on a farming business and objects to registering the farming business or to making payment to an accredited farm organization because of his or her religious conviction or belief, the individual may apply to the Tribunal for an order that the requirement to register the farming business or to make the payment be waived.

Religious objection, corporation

(2) If a corporation carries on a farming business and an individual who is a shareholder or member of the corporation objects to the corporation registering the farming business or making payment to an accredited farm organization because of his or her religious conviction or belief, the corporation may apply to the Tribunal for an order that the requirement to register the farming business or to make the payment be waived.

Religious objection, other entity

(3) If an entity other than a corporation carries on a farming business and an individual who is a member of the entity objects to the entity registering the farming business or making payment to an accredited farm organization because of his or her religious conviction or belief, the entity may apply to the Tribunal for an order that the requirement to register the farming business or to make the payment be waived.

(2) Subsections 22 (6) and (7) of the Act are repealed and the following substituted:

Order of Tribunal

(6) If the Tribunal is satisfied that an individual referred to in subsection (1), (2) or (3) objects to registering a farming business or making payment to an accredited farm organization because of his or her sincerely held religious conviction or belief, it shall order that the requirement to register the farming business or to make the payment be waived.

9 Section 23 of the Act is repealed.

10 The Act is amended by adding the following sections:

DELEGATION OF ADMINISTRATIVE AUTHORITY

Delegation

31.1 (1) The Minister may, by regulation,

(a) designate a corporation as a Farm Registration Administrator for the purposes of this Act; and

(b) delegate responsibility for the administration of specified provisions of this Act or of a regulation made under subsection 33 (2), or both, to the Farm Registration Administrator.

Farm Registration Administrator

(2) A corporation may be designated as a Farm Registration Administrator only if it meets the following conditions:

1. It is a not-for-profit corporation without share capital.
2. It is incorporated under the laws of Ontario or Canada.
3. It carries on business in Ontario.
4. Any prescribed conditions.

Previous administration

(3) Nothing in a delegation of legislation under subsection (1) invalidates anything that was done by the Minister, the Ministry or AgriCorp to administer this Act or the regulations before the delegation.

Person bound

(4) Delegated legislation binds all persons whom it would bind if it had not been delegated.

Regulation

(5) A regulation under this section may,

(a) prescribe any conditions or limitations that apply to the designation of a Farm Registration Administrator and to the delegation of responsibility for the administration of specified provisions of this Act and the regulations;

(b) limit the provisions of this Act and of the regulations made under subsection 33 (2) that may be the subject of a delegation;

(c) prescribe conditions for the purposes of paragraph 4 of subsection (2).

Exceptions, regulations

(6) A regulation delegating responsibility for the administration of specified provisions of this Act under subsection (1) shall not delegate the power to make regulations under this Act.

Administrative agreement required

31.2 (1) A regulation shall not be made under subsection 31.1 (1) designating a Farm Registration Administrator unless the Minister has entered into an administrative agreement with the prospective designate with respect to the delegated legislation.

Content of agreement

(2) The administrative agreement shall include all matters that the Minister considers necessary to the efficient and effective delegation of the administration of the delegated legislation to the Farm Registration Administrator, including,

(a) the financial terms of the designation;

(b) any requirements relating to the governance of the Farm Registration Administrator;

(c) the right, if any, of the Farm Registration Administrator to purchase, use or otherwise have access to government assets, including information, records or intellectual property;

(d) a description of any liability the Farm Registration Administrator may incur as a result of exercising its responsibilities administering the delegated legislation; and

(e) a requirement that the Farm Registration Administrator maintain adequate insurance against liability arising out of carrying out the administration of the delegated legislation.

Minister's terms

(3) On giving the notice to the Farm Registration Administrator that the Minister considers reasonable in the circumstances, the Minister may amend or insert a term in the administrative agreement or delete a term from it if,

(a) the term relates to the administration or enforcement of the delegated legislation; and

(b) the Minister considers it advisable to do so.

Review

31.3 (1) The Minister may require that reviews of a Farm Registration Administrator, of its operations, or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out,

(a) by or on behalf of the Farm Registration Administrator; or

(b) by a person or entity specified by the Minister.

Access to records

(2) If a review is carried out by a person or entity specified by the Minister, the Farm Registration Administrator shall give the person or entity specified by the Minister and the employees of the person or entity access to all records and other information required to conduct the review.

Revocation of designation

31.4 (1) Subject to subsection (2), the Minister may, by regulation, revoke the designation of a corporation as a Farm Registration Administrator if,

(a) the Farm Registration Administrator has failed to comply with this Act, the delegated legislation or the administrative agreement and has not remedied the failure within the time period described in subsection (3); or

(b) the Minister considers it advisable to do so.

Notice

(2) The Minister shall give a Farm Registration Administrator such notice as he or she considers reasonable of his or her intention to revoke the Farm Registration Administrator's designation.

Opportunity to remedy

(3) If a Farm Registration Administrator fails to comply with this Act, the delegated legislation or the administrative agreement, the Minister shall allow the Farm Registration Administrator the opportunity of remedying its failure within the time period that the Minister considers reasonable in the circumstances.

Voluntary revocation

(4) A Farm Registration Administrator may request that the Minister revoke its designation and in that case the Minister shall, by regulation, revoke the designation on the terms that the Minister considers advisable.

Non-application of Act

(5) The *Statutory Powers Procedure Act* does not apply to the exercise by the Minister of a right under this section to revoke the designation of a corporation as a Farm Registration Administrator or to revoke the delegation of specified legislative provisions.

Duties of Farm Registration Administrator

31.5 (1) A Farm Registration Administrator shall carry out the administration of all delegated legislation and shall do so in accordance with the law, this Act and the administrative agreement, having regard to the intent and purpose of this Act.

Services in French

(2) The *French Language Services Act* applies to a Farm Registration Administrator as though it were a government agency under that Act.

Services to persons with disabilities

(3) The *Accessibility for Ontarians with Disabilities Act, 2005* applies to a Farm Registration Administrator as though it were an organization providing services for the purposes of that Act.

Reports

(4) Within one year of the effective date of its designation as Farm Registration Administrator and annually thereafter, a Farm Registration Administrator shall report to the Minister on its activities, financial affairs in respect of the administration of this Act and any other matters the Minister may request.

Same

(5) The reports required under subsection (4) shall be in a form acceptable to the Minister.

Employees

31.6 (1) Subject to the administrative agreement, a Farm Registration Administrator may employ or retain the services of any qualified person to carry out any power or duty relating to the administration of the delegated legislation.

No Crown employment

(2) Persons who are employed or whose services are retained under subsection (1) are not employees of the Crown and shall not hold themselves out as such.

No Crown agent

31.7 (1) A Farm Registration Administrator is not a Crown agency for the purposes of the *Crown Agency Act* and shall not hold itself out as such.

Same, officers, etc.

(2) The members, officers, directors, employees and agents of a Farm Registration Administrator, together with the persons whose services the Farm Registration Administrator retains, are not agents of the Crown and shall not hold themselves out as such.

No personal liability, Crown employee

31.8 (1) No action or other proceeding shall be instituted against an employee of the Crown for an act done in good faith in the execution or intended execution of a duty or service under delegated legislation, or for an alleged neglect or default in the execution in good faith of the duty or service.

Tort by Crown employee

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by an employee of the Crown to which it would otherwise be subject.

No Crown liability

31.9 No action or other proceeding for damages shall be instituted against the Crown for damages that a person suffers as a result of any act or omission taken or made in the administration of delegated legislation by a person who is not an employee or agent of the Crown.

Indemnification

31.10 A Farm Registration Administrator shall indemnify the Crown, in accordance with the administrative agreement, in respect of damages and costs incurred by the Crown for any act or omission of the Farm Registration Administrator or its members, officers, directors, employees or agents,

(a) in carrying out the administration of its delegated legislation; or

(b) in the execution or intended execution of its powers and duties under this Act, the delegated legislation and the administrative agreement.

No personal liability, board members and others

31.11 (1) No action or other proceeding shall be instituted against a person mentioned in subsection (2) for an act done in good faith in the execution or intended execution of a power or duty under delegated legislation, or for an alleged neglect or default in the execution in good faith of that power or duty.

Same

(2) Subsection (1) applies to,

(a) members of the board of directors of a Farm Registration Administrator; and

(b) persons who perform functions under delegated legislation as members, employees, agents or officers of the Farm Registration Administrator or as persons whose services it retains.

Liability of Farm Registration Administrator

(3) Subsection (1) does not relieve a Farm Registration Administrator of liability to which it would otherwise be subject in respect of a tort committed by one of its members, employees, agents or officers.

Audit

31.12 (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of a Farm Registration Administrator, other than an audit required under the *Corporations Act*.

Access to records and information

(2) When the Auditor General conducts an audit under subsection (1), the Farm Registration Administrator shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit.

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

Regulations, Lieutenant Governor in Council

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

(a) prescribing the amount of annual gross income for the purposes of section 2 and respecting the manner of determining the annual gross income and the period for which it is to apply;

(b) respecting the question of whether a farm organization offers its services to farming businesses in the French language and serves the socioeconomic and cultural interests of francophone farmers;

(c) prescribing the period during which an application must be filed for the purposes of subsections 4 (2) and 17 (1);

(d) respecting the criteria to be used for accrediting farm organizations;

(e) respecting the time at which accreditation of farm organizations starts for the purposes of subsection 6 (2);

(f) prescribing the francophone organization eligible for special funding under section 13 and the time at which that eligibility starts;

(g) respecting criteria for eligibility for special funding;

(h) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(i) respecting allocation of money to the francophone organization eligible for special funding;

(j) respecting any matter advisable to carry out effectively the intent and purpose of the regulations made under this subsection.

Regulations, Minister

(2) The Minister may make regulations,

(a) governing applications for farming business registration numbers, including the form and manner of such applications and the time at which they must be made;

(b) prescribing circumstances in which applications may be made at different times and prescribing those times;

(c) requiring persons to pay a penalty for failing to submit an application for a farming business registration number at the required time;

(d) exempting persons from the requirement of having to register a farming business under section 2 for a specified period of time, specifying the period of time and prescribing the reasons for the exemption;

(e) governing the validity of farming business registration numbers, including their expiry and renewal;

(f) prescribing purposes for which the Ministry may use information included in applications for farming business registration numbers;

(g) respecting payments made to an accredited farm organization under section 21, including the refund of such payments and prescribing the amount of the payments and the manner in which the payments must be made;

(h) governing fees that may be charged to accredited farm organizations under subsection 21 (5), including the amount of fees and the manner in which they must be paid and the time at which they must be paid;

(i) respecting anything that this Act requires or authorizes to be prescribed, or to be done in accordance with the regulations, specified in the regulations or determined by the regulations, unless the matter is referred to in subsection (1);

(j) respecting any matter advisable to carry out effectively the intent and purpose of the regulations made under this subsection.

Same

(3) A regulation made under clause (1) (a) may provide that the manner of determining annual gross income be based on the calculations required to be made under the *Income Tax Act* (Canada).

Same

(4) A regulation made under clause (2) (a) may require different classes of persons to apply for a farming business registration number at different times.

Application

(5) A regulation may be general or particular in its application.

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS ACT

12 (1) Subsection 6.2 (1) of the *Ministry of Agriculture, Food and Rural Affairs Act* is amended by adding "including loan guarantee programs for the purposes of loan guarantees made by the Lieutenant Governor in Council under section 8" at the end.

(2) Subsection 6.2 (2) of the Act is amended by striking out "program" in the portion before clause (a) and substituting "program, other than a loan guarantee program".

(3) Section 6.2 of the Act is amended by adding the following subsection:

Same, loan guarantee programs

(2.1) An order establishing a loan guarantee program shall not include the terms of the guarantee that are included in the guarantee itself under subsection 8 (1.1) but shall set out,

(a) the purposes of the loans, whether made to farmers or to entities that in turn provide loans directly to farmers, that are to be guaranteed under the program;

(b) the classes of farmers or entities described in clause (a) who are eligible to receive a loan guarantee under the program and any conditions for eligibility to participate in the program;

(c) the rules and procedures relating to applications to receive a loan guarantee under the program;

(d) the amount of any individual loan that may be guaranteed under the program, including any maximum limit on the amount of such loans;

(e) if any grants or payments may be made under the loan guarantee program to farmers or to entities described in clause (a), any matters referred to in clauses (2) (b) and (c); and

(f) any other matter relating to the administration of the program.

13 (1) Subsection 8 (1) of the Act is repealed and the following substituted:

Guarantee of loans

(1) The Lieutenant Governor in Council may, in accordance with subsection (2), guarantee the payment of one or more of the following loans, or any part of such loans, and guarantee the payment of any interest on the loans or the part of the loans, if the loans or the part of the loans are made for the encouragement of any branch of agriculture, food or rural affairs:

1. Loans made to farmers.
2. Loans made to entities that provide loans directly to farmers.

Terms of guarantee

(1.1) A guarantee under subsection (1), whether given as part of a loan guarantee program established under section 6.2 or otherwise, shall set out the terms of the guarantee, including the amount of the guarantee, the duration of the guarantee and the circumstances under which the guarantee would become null and void.

(2) Subsection 8 (2) of the Act is amended by striking out "approves" and substituting "approves by order".

Commencement

14 (1) Subject to subsection (2), this Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(2) Sections 4 to 13 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 2
MINISTRY OF THE ATTORNEY GENERAL

PAWNBROKERS ACT

1 The *Pawnbrokers Act* is repealed.

Personal Property Security Act

2. Clause 4 (1) (d) of the *Personal Property Security Act* is repealed.

Commencement

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

SCHEDULE 3
MINISTRY OF EDUCATION

CHILD CARE AND EARLY YEARS ACT, 2014

1 Paragraph 3 of subsection 4 (1) of the *Child Care and Early Years Act, 2014* is repealed and the following substituted:

in-home services

3. The care or supervision is provided at a child's own home and,
   i. is not provided for any other children who do not reside at that home, or
   ii. does not meet the description of in-home services set out in paragraph 3 of subsection 6 (3).

2 (1) Sub-subparagraph 1 iv A of subsection 6 (3) of the Act is amended by striking out "two children" and substituting "three children".

(2) Sub-subparagraph 1 iv B of subsection 6 (3) of the Act is amended by striking out "four children" and substituting "six children".

(3) Subparagraph 2 iii of subsection 6 (3) of the Act is amended by striking out "two children" and substituting "three children".

(4) Subparagraph 3 iv of subsection 6 (3) of the Act is repealed.

(5) Subparagraphs 4 i and ii of subsection 6 (4) and paragraph 1 of subsection 6 (5) of the Act are amended by striking out "six" wherever it appears and substituting in each case "four".

(6) Paragraph 2 of subsection 6 (5) of the Act is repealed and the following substituted:

2. If the child care is provided on or after September 1 in a calendar year, a child who will attain the age of four in that year shall not be counted on any day.

3 Paragraph 2 of section 7 of the Act is repealed.

EDUCATION ACT

4 Paragraph 2 of subsection 259 (2) of the *Education Act* is repealed.

5 Paragraph 1 of subsection 259.1 (2) of the Act is repealed and the following substituted:

1. The program must be a child care centre licensed under the *Child Care and Early Years Act, 2014* or another program prescribed by the regulations made under this Part.

COMMENCEMENT

Commencement

6 This Schedule comes into force on the later of July 1, 2019 and the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

SCHEDULE 4
MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES

ONTARIO ENERGY BOARD ACT, 1998

1 (1) Subsection 78 (2.3) of the *Ontario Energy Board Act, 1998* is repealed.

(2) Subsection 78 (3) of the Act is amended by striking out "unit sub-metering or".

(3) Subsection 78 (3.0.0.1) of the Act is amended by striking out "for unit sub-metering and" in the portion before clause (a).

(4) Clause 78 (6) (c) of the Act is amended by striking out "or unit sub-metering".

(5) Subsection 78 (9) of the Act is amended by striking out "the transmitter, distributor or unit sub-meter provider" and substituting "the transmitter or distributor".

(6) Subsection 78 (9) of the Act, as amended by subsection (5), is amended by striking out "the transmitter or distributor" and substituting "the transmitter, distributor or unit smart meter provider".

2 Clause 88 (1) (g.6.0.2) of the Act is amended by striking out "prescribing rules in relation to the fixing of just and reasonable rates for unit sub-metering that the Board must follow" and substituting "prescribing rules in relation to the approving or fixing of just and reasonable rates for unit smart metering that the Board must follow".

Commencement

3 (1) Subject to subsection (2), this Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(2) Subsections 1 (3) and (6) come into force on the later of the day subsection 38 (15) of the *Energy Consumer Protection Act, 2010* comes into force and the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

SCHEDULE 5
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

TOXICS REDUCTION ACT, 2009

1 The *Toxics Reduction Act, 2009* is amended by adding the following section:

REPEAL

72.1 This Act is repealed on December 31, 2021.

2 The following regulations made under the Act are revoked:

1. **Ontario Regulation 455/09 (General).**
2. **Ontario Regulation 296/18 (Service of Documents).**

Commencement

3 (1) Subject to subsection (2), this Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(2) Section 2 comes into force on December 31, 2021.

SCHEDULE 6
MINISTRY OF FINANCE

PENSION BENEFITS ACT

1 Subsection 80.4 (1) of the *Pension Benefits Act* is repealed.

Commencement

2 This Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

SCHEDULE 7
MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

TECHNICAL STANDARDS AND SAFETY ACT, 2000

1 (1) Section 2 of the *Technical Standards and Safety Act, 2000* is repealed and the following substituted:

Application

2 This Act applies to amusement devices, boilers and pressure vessels, elevating devices, fuels, operating engineers and upholstered or stuffed articles.

(2) Section 2 of the Act, as re-enacted by subsection (1), is amended by striking out "operating engineers and upholstered or stuffed articles" at the end and substituting "and operating engineers".

2 (1) Section 3 of the Act is amended by adding the following definitions:

"alternate rules" mean the rules made by a director and approved by an order of the Minister made under section 36.1; ("règles de rechange")

"Minister's order" means an order made by the Minister under section 33 unless the context requires otherwise; ("arrêté du ministre")

(2) Paragraph 7 of the definition of "predecessor Act" in section 3 of the Act is repealed.

3 The following provisions of the Act are amended by striking out "and the regulations" wherever that expression appears and substituting in each case "the regulations and alternate rules":

1. **Paragraphs 1, 2, 4 and 5 of section 3.6.**
2. **Subsection 3.11 (2).**

4 (1) Subsection 3.12 (1) of the Act is amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following clause:

(c) the alternate rules.

(2) Subsection 3.12 (2) of the Act is repealed and the following substituted:

Same

(2) The Corporation shall carry out the administration of this Act, the regulations and alternate rules as provided under subsection (1) in accordance with the law, this Act, the regulations, Minister's orders, alternate rules and the memorandum of understanding under section 3.15.

(3) The following provisions of the Act are amended by striking out "and the regulations" wherever that expression appears and substituting in each case "the regulations and alternate rules".

1. **Subsection 3.12 (3).**
2. **Clause 3.13 (2) (b).**
3. **Subsection 3.14 (2).**
4. **Paragraphs 1 and 3 of subsection 3.15 (1).**

5 (1) The following provisions of section 3.16 of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Subsection (1).**
2. **Paragraph 1 of subsection (2).**

(2) Paragraph 8 of subsection 3.16 (2) of the Act is amended by striking out "or the regulations" at the end and substituting "the regulations or alternate rules".

6 (1) Subsection 3.17 (1) of the Act is amended by striking out "or a Minister's order" and substituting "a Minister's order or an alternate rule".

(2) Clause 3.17 (4) (a) of the Act is amended by striking out "and the regulations" at the end and substituting "the regulations and alternate rules".

(3) Clause 3.17 (4) (b) of the Act is amended by adding "an alternate rule" after "Minister's order".

7 The following provisions of the Act are amended by striking out "and the regulations" wherever that expression appears and substituting in each case "the regulations and alternate rules":

1. **Clause 3.18 (1) (b).**

2. **Section 3.19.**

8 The following provisions of the Act are amended by striking out "and Minister's orders" wherever that expression appears and substituting in each case "Minister's orders and alternate rules":

1. **Subsection 3.20 (1).**
2. **Clause 3.21 (1) (c).**

9 Subsection 3.23 (11) of the Act is amended by adding "an alternate rule" after "Minister's order".

10 The following provisions of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Subsection 3.24 (1).**
2. **Subsection 3.24 (2).**

11 (1) Subsection (2) applies only if section 16 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018* does not come into force before subsection (2) comes into force.

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

Appointments of directors, inspectors and investigators

(1) The Corporation may appoint directors, inspectors and investigators for the purposes of this Act, the regulations, a Minister's order or an alternate rule, including for the purpose of determining whether authorization holders continue to meet the requirements for authorization and the requirements of this Act, the regulations, Minister's orders and alternate rules.

(3) Subsection 4 (1) of the Act, as re-enacted by section 16 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018*, is repealed and the following substituted:

Appointments of directors, inspectors, investigators and assessors

(1) The Corporation may appoint directors, inspectors, investigators and assessors for the purposes of this Act, the regulations, a Minister's order or an alternate rule, including for the purpose of determining whether authorization holders continue to meet the requirements for authorization and the requirements of this Act, the regulations, Minister's orders and alternate rules.

12 (1) Subsection (2) applies only if section 16 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018* does not come into force before subsection (2) comes into force.

(2) The following provisions of section 5 of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Subsection (1).**
2. **Clause (2) (a).**

(3) The following provisions of section 5 of the Act, as re-enacted by section 16 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018*, are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Subsection (1).**
2. **Clause (2) (a).**

13 (1) Subsection 6 (1) of the Act is repealed and the following substituted:

Requirement for authorization

(1) Except as provided in the regulations, a Minister's order or an alternate rule, a person is required to obtain an authorization in accordance with this Act, the regulations, a Minister's order or an alternate rule before carrying out the activities referred to in the regulations, a Minister's order or an alternate rule as requiring an authorization or before operating or otherwise dealing with any thing referred to in the regulations, a Minister's order or an alternate rule as requiring an authorization.

(2) Subsection 6 (2) of the Act is amended by striking out "or a Minister's order" and substituting "a Minister's order or an alternate rule".

(3) Clause 6 (7) (f) of the Act is amended by adding "an alternate rule" after "Minister's order".

14 Subsection 8 (7) of the Act is amended by adding "an alternate rule" after "Minister's order".

15 (1) Subsection 12 (1) of the Act is amended by striking out "or a Minister's order" and substituting "a Minister's order or an alternate rule".

(2) Subsection 12 (2) of the Act is amended by striking out "or a Minister's order" and substituting "a Minister's order or an alternate rule".

16 Subsection 16 (1) of the Act is amended by striking out "or a Minister's order" and substituting "a Minister's order or an alternate rule".

17 (1) Subsection 17 (1) of the Act is amended by striking out "or a Minister's order" in the portion before clause (a) and substituting "a Minister's order or an alternate rule".

(2) Clause 17 (1) (a) of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

18 Clause 20 (3) (b) of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

19 (1) Subsection 21 (1) of the Act is amended by striking out "or a Minister's order" in the portion before clause (a) and substituting "a Minister's order or an alternate rule".

(2) Clause 21 (1) (b) of the Act is amended by striking out "or the regulations" and substituting "the regulations or an alternate rule".

(3) Subsection 21 (2) of the Act is amended by striking out "or a Minister's order" and substituting "a Minister's order or an alternate rule".

(4) The following provisions of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Subsection 21 (3).**
2. **Subclause 22 (4) (b) (ii).**

20 The following provisions of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Clause 22.1 (1) (a).**
2. **Subclause 22.1 (1) (b) (i).**
3. **Subclause 22.1 (1) (b) (ii).**
4. **Subsection 22.3 (1).**

21 Clause 23 (1) (e) of the Act is amended by adding "or an alternate rule" after "Minister's order".

22 The following provisions of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Section 31.**
2. **Subsection 32 (1).**

23 Clause 32.1 (1) (c) of the Act is amended by adding "a prescribed alternate rule" after "Minister's order".

24 (1) The heading immediately before subsection 33 (1) of the Act is repealed and the following substituted:

ORDERS, REGULATIONS AND ALTERNATE RULES

(2) Clause 33 (1) (l) of the Act is repealed.

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

Not regulations

(1.1) Part III of the *Legislation Act, 2006* does not apply to a Minister's order made under subsection (1).

25 (1) Clause 34 (1) (c) of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

(2) The following provisions of subsection 34 (1) of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Clause (d).**
2. **Subclause (e) (i).**

(3) Clause 34 (1) (f) of the Act is amended by adding "or an alternate rule" after "Minister's order".

(4) The following provisions of subsection 34 (1) of the Act are amended by striking out "or a Minister's order" wherever that expression appears and substituting in each case "a Minister's order or an alternate rule":

1. **Clause (h).**
2. **Clause (k).**

26 Section 35 of the Act is repealed and the following substituted:

Definitions

35 Any word or expression used in this Act may be defined in the regulations, a Minister's order or an alternate rule for the purposes of the regulations, the order or the rule, as the case may be.

27 (1) Clause 36 (3) (c) of the Act is repealed and the following substituted:

(c) subject to such conditions as he or she may specify, allow a variance from any regulation, Minister's order or alternate rule if, in his or her opinion, the variance would not detrimentally affect the safe use of the thing to which the regulation, Minister's order or alternate rule applies or the health or safety of any person.

(2) Subsection 36 (5) of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

28 The Act is amended by adding the following section:

Alternate rules

36.1 (1) A director may make a proposal in writing to the Minister that a matter to which the regulations apply should be governed by the alternate rules that the director sets out in the proposal.

Contents

(2) The proposal must demonstrate how the alternate rules set out in it achieve the purposes of this Act.

Minister's approval

(3) The Minister may, by order, approve the proposal if the Minister considers it in the public interest to do so.

Non-application of other Act

(4) The *Statutory Powers Procedure Act* does not apply to an order of the Minister made under subsection (3).

Not regulations

(5) Part III of the *Legislation Act, 2006* does not apply to alternate rules or a Minister's order made under subsection (3).

Non-application of regulations and Minister's orders

(6) Where the Minister approves a proposal for alternate rules under subsection (3), the regulations and Minister's orders do not apply to the extent provided in the alternate rules.

Publication

(7) Upon approving a proposal for alternate rules under subsection (3), the Minister shall give notice of the approval to the Corporation and the Corporation shall post a copy of the rules on its website.

29 (1) Subsections (2) and (3) apply only if section 24 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018* does not come into force before subsections (2) and (3) come into force.

(2) Clause 37 (1) (a) of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

(3) Clause 37 (1) (b) of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

(4) Clause 37 (1) (a) of the Act, as re-enacted by section 24 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018*, is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

(5) Clause 37 (1) (b) of the Act, as re-enacted by section 24 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018*, is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

(6) Subsection 37 (4) of the Act is amended by adding "an alternate rule" after "Minister's order".

30 Section 39 of the Act is amended by striking out "and a Minister's order" and substituting "a Minister's order and an alternate rule".

31 Section 41 of the Act is amended by striking out "or a Minister's order" at the end and substituting "a Minister's order or an alternate rule".

WIRELESS SERVICES AGREEMENTS ACT, 2013

32 The *Wireless Services Agreements Act, 2013* is repealed.

33 The following regulations made under the Act are revoked:

1. **Ontario Regulation 58/14 (Designated Jurisdictions), as amended.**
2. **Ontario Regulation 121/16 (General).**

COMMENCEMENT

34 (1) Subject to subsections (2) to (6), this Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(2) Subsections 1 (2), 2 (2) and 24 (2) come into force on July 1, 2019.

(3) Subsections 11 (3) and 12 (3) come into force on the later of the day section 16 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018* comes into force and the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(4) Section 23 comes into force on the later of the day section 20 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018* comes into force and the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(5) Subsections 29 (4) and (5) come into force on the later of the day section 24 of the *Access to Consumer Credit Reports and Elevator Availability Act, 2018* comes into force and the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(6) Sections 32 and 33 come into force on the day that is six months after the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

SCHEDULE 8
MINISTRY OF HEALTH AND LONG-TERM CARE

LONG-TERM CARE HOMES ACT, 2007

1 Subsection 44 (10) of the *Long-Term Care Homes Act, 2007* is repealed and the following substituted:

Persons to whom notice given

(10) The persons referred to in subsection (9) are the following:

1. The applicant.
2. The appropriate placement co-ordinator.

2 Subsection 99 (2) of the Act is repealed.

3 (1) Subsection 100 (2) of the Act is repealed.

(2) Subsection 100 (7) of the Act is amended by striking out "and is not required to consult the public a second time before issuing it" at the end.

4 Subsection 103 (3) of the Act is repealed.

5 Subsection 104 (1) of the Act is amended by striking out "than are authorized under section 113" at the end and substituting "a temporary emergency licence issued under section 112".

6 Subsection 105 (4) of the Act is repealed.

7 (1) Subsection 106 (1) of the Act is repealed and the following substituted:

Public consultation

(1) Subject to subsection (3), the Director shall consult the public before,

(a) issuing a licence for a new long-term care home under section 99;

(b) undertaking to issue a licence under section 100;

(c) deciding whether or not to issue a new licence under section 103;

(d) transferring a licence, or beds under a licence, under section 105; or

(e) amending a licence to increase the number of beds or to extend the term of the licence under section 114.

(2) Subsections 106 (2), (3) and (4) of the Act are repealed and the following substituted:

Public consultation, format

(2) The Director may determine how public consultations under subsection (1) shall be conducted.

Exception

(3) The Director is not required to consult the public under subsection (1) or under any other provision of this Act where the Director,

(a) has determined that a public consultation is not warranted in the circumstances; or

(b) has made a policy governing types of circumstances in which public consultation is not warranted, and the policy applies to the circumstances, unless the Director makes an exception to the policy.

Publishing of policy

(4) If the Director makes a policy under clause (3) (b), the Director shall ensure that the policy is published on the website of the Ministry or in the manner prescribed by regulation.

Non-application of *Legislation Act, 2006*

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy made by the Director under clause (3) (b).

8 (1) Subsection 112 (1) of the Act is repealed and the following substituted:

Temporary emergency licences

(1) Subject to any restrictions or requirements that may be prescribed by regulation, in order to accommodate persons affected by a temporary emergency, the Director may issue a temporary emergency licence,

(a) authorizing premises to be used as a long-term care home on a temporary basis; or

(b) authorizing temporary additional beds at a long-term care home.

Conditions of temporary emergency licence

(1.1) Except as otherwise specified in writing by the Director, it is a condition of the temporary emergency licence that the only persons who may be admitted to a bed under the authority of the licence are persons affected by the temporary emergency.

(2) Paragraph 2 of subsection 112 (2) is repealed and the following substituted:

2. The licence may be issued for a term of no more than one year, and may not be renewed.

(3) Subsection 112 (3) of the Act is amended by adding the following paragraph:

2.1 Section 98.

(4) Section 112 of the Act is amended by adding the following subsection:

Transition

(4) Any short-term authorization given by the Director under section 113 before the day section 9 of Schedule 8 to the *Restoring Ontario's Competitiveness Act, 2018* comes into force continues to be valid until the authorization period expires.

9 Section 113 of the Act is repealed.

10 Paragraph 3 of subsection 114 (4) of the Act is repealed.

11 Clause 117 (2) (d) of the Act is repealed and the following substituted:

(d) governing public consultation for the purposes of section 106 and governing requirements and restrictions with respect to any determination or policy of the Director under that section;

12 Subsection 131 (6) of the Act is repealed and the following substituted:

Temporary licence provision not affected

(6) Nothing in this section affects the application of sections 111 and 112 and, for greater certainty, a temporary licence under section 111 or a temporary emergency licence under section 112 can be issued to a municipality or board of management and can be revoked under section 157.

COMMENCEMENT

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

SCHEDULE 9
MINISTRY OF LABOUR

EMPLOYMENT STANDARDS ACT, 2000

1 The *Employment Standards Act, 2000* is amended by striking out the heading for Part II and substituting the following:

PART II
INFORMATION CONCERNING RIGHTS AND OBLIGATIONS

2 (1) Subsections 2 (1), (2), (5) and (6) of the Act are amended by striking out "Minister" wherever it appears and substituting in each case "Director".

(2) Subsections 2 (3) and (4) of the Act are repealed.

(3) Subsection 2 (8) of the Act is repealed and the following substituted:

Transition

(8) The most recent poster prepared and published by the Minister under subsection (1) as it read immediately before the day the *Restoring Ontario's Competitiveness Act, 2018* received Royal Assent is deemed to have been prepared and published by the Director.

Same

(9) Any translation prepared by the Minister under subsection (6), as it read immediately before the day the *Restoring Ontario's Competitiveness Act, 2018* received Royal Assent, is deemed to have been prepared by the Director.

3 (1) Subsections 17 (3) and (4) of the Act are repealed and the following substituted:

Exception: hours in a work week

(3) An employee's hours of work may exceed the limit set out in clause (1) (b) if the employee has made an agreement with the employer that he or she will work up to a specified number of hours in a work week in excess of the limit and his or her hours of work in a work week do not exceed the number of hours specified in the agreement.

(2) Subsections 17 (5), (6), (7) and (9) of the Act are amended by striking out "in subsection (2) or in clause (3) (a)" wherever it appears and substituting in each case "in subsection (2) or (3)".

(3) Clauses 17 (8) (b) and (c) of the Act are amended by striking out "clause (3) (a)" wherever it appears and substituting in each case "subsection (3)".

(4) Subsections 17 (10) and (11) of the Act are repealed.

4 Section 17.1 of the Act is repealed.

5 Section 17.2 of the Act is repealed.

6 Section 17.3 of the Act is repealed.

7 Subsection 21.1 (1) of the Act is amended by striking out "in subsection 17 (2) or clause 17 (3) (a)" at the end and substituting "in subsection 17 (2) or (3)".

8 (1) Subsections 22 (2) and (2.1) of the Act are repealed and the following substituted:

Averaging

(2) An employee's hours of work may be averaged over separate, non-overlapping, contiguous periods of two or more consecutive weeks for the purpose of determining the employee's entitlement, if any, to overtime pay if,

(a) the employee has made an agreement with the employer that his or her hours of work may be averaged over periods of a specified number of weeks; and

(b) the averaging period does not exceed four weeks or the number of weeks specified in the agreement, whichever is lower.

(2) Subsection 22 (3) of the Act is repealed and the following substituted:

Term of agreement

(3) Subject to subsections (3.1) and (3.2), an averaging agreement is not valid unless it provides for a start date and an expiry date.

Limit on agreement, not represented by trade union

(3.1) If the employee is not represented by a trade union, the averaging agreement's expiry date shall not be more than two years after the start date.

Limit on agreement, collective agreement applies

(3.2) If the employee is represented by a trade union and a collective agreement applies to the employee, an averaging agreement shall expire no later than the day a subsequent collective agreement that applies to the employee comes into operation.

(3) Subsection 22 (4) of the Act is repealed and the following substituted:

Agreement may be renewed or replaced

(4) For greater certainty, an averaging agreement may be renewed or replaced if the requirements set out in this section are met.

(4) Subsections 22 (5) and (5.1) of the Act are repealed and the following substituted:

Existing agreement

(5) Any averaging agreement that was made before the day the *Restoring Ontario's Competitiveness Act, 2018* received Royal Assent in accordance with this section, as it read at the time, and that was approved by the Director under section 22.1, as it read at the time, is deemed to have met the requirements set out in subsections (2), (3), (3.1) and (3.2) and continues to be valid until the earlier of,

(a) the day the agreement is revoked under subsection (6);

(b) the day the Director's approval expires; or

(c) the day the Director's approval is revoked.

9 Sections 22.1 and 22.2 of the Act are repealed.

10 Subsection 95 (1) of the Act is amended by striking out "sections 8, 17.1 and 22.1" and substituting "section 8".

11 (1) Section 141 of the Act is amended by adding the following subsection:

Transitional regulations

(2.0.3.2) 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 the *Restoring Ontario's Competitiveness Act, 2018*.

(2) Subsection 141 (2.0.4) of the Act is amended by striking out "subsection (2.0.3) or (2.0.3.1)" wherever it appears and substituting in each case "subsection (2.0.3), (2.0.3.1) or (2.0.3.2)".

LABOUR RELATIONS ACT, 1995

12 (1) Section 125 of the *Labour Relations Act, 1995* is amended by adding the following subsection:

Same

(2.2) 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 the *Restoring Ontario's Competitiveness Act, 2018*.

(2) Subsection 125 (3) of the Act is amended by striking out "subsection (2) or (2.1)" and substituting "subsection (2), (2.1) or (2.2)".

13 The definition of "non-construction employer" in subsection 126 (1) of the Act is repealed and the following substituted:

"non-construction employer" means,

(a) an employer who does no work in the construction industry for which the employer expects compensation from an unrelated person, or

(b) an employer who is deemed to be a non-construction employer under subsection 127 (1); ("employeur extérieur à l'industrie de la construction")

14 The Act is amended by adding the following section:

Deemed non-construction employer

127 (1) The following entities are deemed to be non-construction employers:

1. A municipality.
2. A local board within the meaning of the *Municipal Act, 2001*.
3. A school board within the meaning of the *School Boards Collective Bargaining Act, 2014*.

4. A hospital within the meaning of the *Public Hospitals Act*.
5. A college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
6. A university in Ontario that receives regular direct operating funding from the Government and the university's affiliates and federates.
7. A public body within the meaning of the *Public Service of Ontario Act, 2006*.

Effect on bargaining rights and collective agreements

(2) Paragraphs 1 and 2 apply with respect to a trade union that represents employees of a non-construction employer referred to in subsection (1) employed, or who may be employed, in the construction industry:

1. On the day this subsection comes into force, the trade union no longer represents those employees of the non-construction employer who are employed in the construction industry.
2. On the day this subsection comes into force, any collective agreement binding the non-construction employer and the trade union ceases to apply with respect to the non-construction employer in so far as the collective agreement applies to the construction industry.

Amendment of unit

(3) A non-construction employer referred to in subsection (1) or a trade union affected by the application of subsection (2) may apply to the Board to redefine the composition of a bargaining unit affected by the application of subsection (2) if the bargaining unit also includes employees who are not employed in the construction industry.

Non-application of ss. 127.1, 127.2

(4) Sections 127.1 and 127.2 do not apply with respect to a non-construction employer referred to in subsection (1).

Commencement

15 (1) Subject to subsection (2), this Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

(2) Sections 12 to 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

PLANNING ACT

1 The *Planning Act* is amended by adding the following section:

Open-for-business planning by-law

34.1 (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

(a) involves the exercise of the municipality's powers under section 34; and

(b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.

Conditions

(2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.
2. The prescribed criteria, if any, have been met.

Request by municipality

(3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.

Approval subject to conditions

(4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.

Purposes of open-for-business planning by-law

(5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.

Non-application of listed provisions

(6) The following provisions do not apply to an open-for-business planning by-law:

1. Subsection 3 (5).
2. Section 24.
3. Subsections 34 (10.0.0.1) to (34).
4. Section 36.
5. Section 37.
6. Section 39 of the *Clean Water Act, 2006*.
7. Section 20 of the *Great Lakes Protection Act, 2015*.
8. Section 7 of the *Greenbelt Act, 2005*.
9. Section 6 of the *Lake Simcoe Protection Act, 2008*.
10. Subsection 31.1 (4) of the *Metrolinx Act, 2006*.
11. Section 7 of the *Oak Ridges Moraine Conservation Act, 2001*.
12. Section 13 of the *Ontario Planning and Development Act, 1994*.
13. Subsection 14 (1) of the *Places to Grow Act, 2005*.
14. Section 12 of the *Resource Recovery and Circular Economy Act, 2016*.
15. Any prescribed provision.

Application of site plan control

(7) Section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).

Conditions that may be imposed

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
   i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
   ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
      A. the massing and conceptual design of the proposed building,
      B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
      C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
      D. facilities designed to have regard for accessibility for persons with disabilities.
2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

Same

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

Same

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

(a) the agreement may be registered against the land to which it applies; and

(b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Notice

(11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,

(a) within three days of the passing thereof to the Minister in the prescribed manner; and

(b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

Coming into force of by-law

(12) An open-for-business planning by-law comes into force on,

(a) the 20th day after it is passed, even if that day is a holiday; or

(b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

Minister may modify, revoke

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.

Non-application of *Legislation Act, 2006*, Part III to order

(14) Part III of the *Legislation Act, 2006* does not apply to an order made under subsection (13).

Order provided to municipality

(15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.

Deeming rule for modified by-law

(16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.

Deeming rule for revoked by-law

(17) If the Minister makes an order revoking an open-for-business planning by-law under subsection (13), the by-law is deemed never to have been passed by the municipality.

Amendment and revocation

(18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.

Conflict

(19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.

2 Subsection 77 (3) of the Act is amended by striking out "34, 36" and substituting "34, 34.1, 36".

Commencement

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

SCHEDULE 11
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES

PRIVATE CAREER COLLEGES ACT, 2005

1 Subsections 17 (1) and (2) of the *Private Career Colleges Act, 2005* are repealed and the following substituted:

Term of registration or renewal

(1) A registration or renewal of a registration shall be,

(a) for a term specified by the Superintendent in accordance with the regulations; or

(b) if there are no regulations governing the term, for a term of one year, unless otherwise specified by the Superintendent.

2 Section 49 of the Act is amended by adding the following subsections:

Removal of posting

(9) The Superintendent may remove any material or information published under subsection (1) or (2) from the website referred to in subsection (6) and may remove or direct the removal of a copy of a publication posted under subsection (7).

Same

(10) The removal of material or information under subsection (9) shall be done in accordance with the regulations, if any.

3 Subsection 55 (1) of the Act is amended by adding the following paragraphs:

8.1 governing the term of a registration or renewal of a registration;

. . . . .

25.1 governing the removal of material and information for the purposes of subsection 49 (9);

Commencement

4 This Schedule comes into force on the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

SCHEDULE 12
MINISTRY OF TRANSPORTATION

HIGHWAY TRAFFIC ACT

1 (1) The definition of "CAVR cab card" in subsection 6 (1) of the *Highway Traffic Act* is repealed.

(2) The definition of "permit" in subsection 6 (1) of the Act is amended by striking out "a CAVR cab card or".

2 (1) Subsection 7 (3) of the Act is amended by striking out "a CAVR cab card or".

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

Same

(6) Where the permit is an IRP cab card, any electronic version of the permit must comply with the requirements of the International Registration Plan and with any requirements established by the Ministry for the purpose of this subsection.

3 The definition of "number plate" in subsection 12 (3) of the Act is amended by adding "and" at the end of clause (c) and striking out clause (d).

4 Subsection 14 (2) of the Act is amended,

(a) by striking out "a CAVR cab card or" in the portion before clause (a); and

(b) by striking out "the CAVR cab card or the IRP cab card, as the case may be" and substituting "the IRP cab card" in the portion after clause (c).

Commencement

5 This Schedule comes into force on the later of January 1, 2019 and the day the *Restoring Ontario's Competitiveness Act, 2018* receives Royal Assent.

8.2.1

APPENDIX B

Ontario

NEWS

Ministry of Economic Development, Job Creation and Trade

Proposed Changes to Create Jobs and Reduce Regulatory Burden in Specific Sectors

December 6, 2018 1:26 P.M.

Today, Todd Smith, Minister of Economic Development, Job Creation and Trade and the lead minister on reducing red tape and regulatory burden, announced over 30 actions to make it easier for businesses to create jobs — and for people to find them. If passed, the *Restoring Ontario's Competitiveness Act, 2018* will, along with regulatory changes, eliminate red tape and burdensome regulations so businesses can grow, create and protect good jobs.

The package, part of the Ontario Open for Business Action Plan, includes actions that would give businesses more flexibility to create jobs right here at home. It would also take major steps to make it easier for businesses to locate or expand in Ontario, and to protect industrial lands. As well, it reduces regulatory burden in specific sectors.

The package would:

Help create a job-friendly flexible labour market

Ministry of Education

Remove restrictions on home-based child care providers, including allowing additional children, to make it easier for parents to find affordable child care

These proposed changes under the *Child Care and Early Years Act, 2014* would remove some restrictions on home-based child care providers, which would increase flexibility in the number and ages of children they can care for. These changes would also make life easier for parents and families by making affordable child care more available. This would make it easier for parents to re-enter the job market, and for employers to find the workers they need.

Ministry of Education

Lower the age of children that authorized recreation programs can serve from six to four

This change under the *Child Care and Early Years Act, 2014* would allow children who are four years old to take part for up to three hours in authorized recreation programs before and after school. This change would increase access to programming, making life easier for parents — including making it easier to re-enter the workplace. It would also maintain high standards and align rules with camps and kindergarten.

8.2.1

Ministry of Finance

Stop requiring a new regulation whenever businesses and non-profits merge single-employer pension plans into jointly sponsored pension plans (JSPPs)

The proposed change under the *Pension Benefits Act* would allow private-sector employers to more easily merge their single-employer pension plans with jointly sponsored pension plans. Eliminating the requirement to get government approval would make it easier for employers to reduce pension-plan risk by pooling their plans with other employers.

Ministry of Labour

Amend the *Employment Standards Act, 2000* (ESA) to reduce regulatory burden on businesses, including no longer requiring them to obtain approval from the Director of Employment Standards for excess hours of work and overtime averaging

These proposed changes would eliminate the requirement for employers to apply for Ministry of Labour approval for excess weekly hours of work and overtime averaging. It would retain these requirements for employee-written agreements. These changes would set four weeks as the maximum time that an employer could average an employee's hours of work for the purposes of determining overtime pay. This would make companies more competitive by giving them more flexibility to manage shifts.

Ministry of Labour

Stop requiring employers to post the ESA poster in the workplace, but retain the requirement that they provide the poster to employees

Employers are already required to give each employee a copy of the most recent version of the ESA poster, in addition to posting it in the workplace. The proposed change eliminates the duplication for employers of having to do both.

Make it easier to locate or expand in Ontario

Ministry of Municipal Affairs and Housing

Introduce a new economic development tool and remove planning barriers to expedite major business investments and speed up approvals so they would be completed within one year

These proposals to streamline provincial development approvals under the *Planning Act* would cut red tape and shorten the time it takes to build projects that create jobs. Municipalities would have the option to use the streamlined process so they could act quickly to attract major employers. The aim is to have all provincial approvals in place within one year so qualifying businesses can begin construction.

8.2.1

Protect industrial lands

Ministry of Finance

The government will confirm with the Municipal Property Assessment Corporation (MPAC) that industrial properties will be assessed based on current permitted uses, not speculative uses

MPAC administers property assessment and appeals of assessment. The proposed measure under the *Assessment Act* would provide greater certainty for Ontario's business community, and would confirm that the methodology MPAC uses to assess business properties is based on permitted land uses only, not on speculative uses. This would protect businesses on employment lands where land values have jumped because of new residential developments nearby from steep property tax increases.

The package introduced today would also reduce regulatory burden so businesses could grow and create and protect good jobs in a wide variety of sectors:

Agriculture and food processing

Ministry of Agriculture, Food and Rural Affairs

Remove outdated and time-consuming reporting requirements under the *Ministry of Agriculture, Food and Rural Affairs Act*, including ones required for loan guarantee programs

Currently, the Cabinet and Lieutenant Governor must approve any changes to loan guarantee programs. This delays changes needed to meet industry needs. The proposed changes would provide the Minister of Agriculture, Food and Rural Affairs with the authority to establish or make changes to loan guarantee programs not affecting the amount or form of the guarantee through a Minister's Order. The Lieutenant Governor would retain the authority over the amount and form of the guarantee.

Ministry of Agriculture, Food and Rural Affairs

Eliminate costly and prescriptive standards under the *Milk Act*, and adopt an outcomes-based approach in the regulations

Current standards are outdated and costly. The proposed amendments would adopt a more outcomes-based approach. This would help reduce regulatory burden for existing, new and expanding dairy processors, as well as for small food service and retail operations.

Ministry of Agriculture, Food and Rural Affairs

Proposed changes under the *Food Safety and Quality Act* will reduce paperwork and fees and encourage additional business opportunities for provincially licensed meat processors

8.2.1

Current standards are outdated and costly. The proposed amendments would adopt a more outcomes-based approach while protecting our high food safety standards and maintaining a rigorous inspection system. This would help reduce regulatory burden for existing, new and expanding provincially licensed meat plants, such as small abattoirs, allowing them to focus on food safety and economic growth.

Ministry of Agriculture, Food and Rural Affairs

Amend the *Agricultural Employees Protection Act* (AEPA) to cover ornamental horticultural workers

These proposed changes would establish more equity, consistency and clarity among agricultural workers. They would bring ornamental horticultural farmers and their employees under the AEPA, ensuring the same protection as agricultural workers in other sectors. Currently, most of this small subset of workers is part of an exemption clause under the *Labour Relations Act, 1995* — leaving them without legal protection. The proposed amendment would clarify which workers the AEPA covers.

Ministry of Agriculture, Food and Rural Affairs

Streamline the regulation under the *Nutrient Management Act* to remove the requirement to update the strategy every five years, if nothing has changed; increase flexibility to deal with nutrients from farm-likeanimals that are kept on facilities other than farms, such as game farms

This would reduce costs for these operations and treat similar materials in a similar fashion.

Ministry of Agriculture, Food and Rural Affairs

Proclaim into force the repeal of the *Livestock Medicines Act* and substitute minimalist regulations under the *Animal Health Act*

The Livestock Medicines Act contains outdated and duplicative requirements, and legislation was passed to repeal it in 2009. The government now proposes to bring the repeal into force, while maintaining key provisions around animal health in a new regulation under the *Animal Health Act*.

Ministry of Agriculture, Food and Rural Affairs

Enable amendments under the *Farm Registration and Farm Organizations Funding Act* to simplify delivery of programs and enhance responsiveness

Existing processes require a regulation to amend payment amounts. This creates delays and prohibits accredited farm organizations from responding to funding needs.

Auto sector

8.2.1

Ministry of Labour

For regulations affecting assembly lines, add a new, targeted exemption from guardrail requirements for a conveyor and raised platform or a similar system

The Industrial Establishments regulation under the *Occupational Health and Safety Act* has recently been amended to add a new, targeted exemption from guardrail requirements for vehicle conveyors and similar systems, and associated raised platforms used with vehicle conveyors or similar systems. The amendment also specifies that other measures and procedures must be developed and implemented to protect workers from the hazard of falling where this new or other existing guardrail exemptions apply. This change reduces regulatory burden for vehicle and vehicle part manufacturers by more closely aligning with regulations in U.S. jurisdictions.

Ministry of Transportation

Expand testing of connected and autonomous vehicles in Ontario

Expanding the autonomous vehicle (AV) pilot through changes to the *Highway Traffic Act* would open the door to new CV/AV testing (connected vehicles/autonomous vehicles) and R&D opportunities in Ontario for local business interests and international sector investments. This would help the CV/AV sector reduce barriers to immediate and long-term economic gains in and for Ontario.

Ministry of Transportation

Allow electric motorcycles on controlled highways

Through changes to the *Highway Traffic Act*, electric motorcycles would be allowed on major highways, because of advancements in technology and in response to requests from the motorcycle industry. This would mean more options for customers and provide an economic boost to the industry.

Ministry of Transportation

Make requirements more flexible about when motors on e-bicycles must disengage

This change under the *Highway Traffic Act* would reduce the regulatory burden and respond to requests from industry stakeholders.

Construction

Ministry of the Environment, Conservation and Parks

Consult on new Environmental Activity and Sector Registries (EASRs) for permits to take water, and for storm and sanitary sewers

Ontario proposes to expand the Environmental Activity and System Registry regulation for low-

8.2.1

risk water takings — such as ones in which water is removed for a short time only and then returned to a nearby point, with no significant change to water quantity or quality. Moving these activities to a permit-by-rule system would allow businesses to begin operations faster. It would at the same time continue to ensure that water takings in Ontario are managed in accordance with our strict environmental standards, and in keeping with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

Ministry of Labour

Amend the *Labour Relations Act, 1995* to explicitly deem public bodies, including municipalities, school boards, hospitals, colleges and universities, as "non-construction employers"

Certain broader public-sector entities have become bound to collective agreements for the construction industry, even though they are not actually in the construction business. This proposal would explicitly deem municipalities, school boards, hospitals, colleges, universities and other public bodies to be "non-construction employers" under the *Labour Relations Act, 1995*. If the proposed amendments are passed, this is expected to increase competitiveness for broader public-sector construction projects.

Electricity services

Ministry of Energy, Northern Development and Mines

Repeal the authority of the Ontario Energy Board (OEB) to set rates for Unit Sub Metering Providers (USMPs)

Some people live in an apartment or condo unit that has its own electricity meter, and pay a USMP based on their individual hydro usage. The OEB currently has the authority under the *Ontario Energy Board Act* to regulate the energy rates these USMPs charge their customers. Repealing this authority would reduce the regulatory burden on USMPs and save them an estimated $1.3 million per year. It would also reduce a barrier to investment by giving investors greater confidence in the competitiveness of this market.

Financial services

Ministry of Finance

Amend regulations so credit unions are no longer restricted from participating in bank-led loan syndications

In a loan syndication, each member of a group of lenders funds a varying portion of a loan to a single borrower. The proposed change to regulations under the *Credit Unions and Caisses Populaires Act, 1994* would allow credit unions in Ontario to enter into syndicated loan agreements led by banks and federally regulated credit unions. This would help them to better

8.2.1

manage risk and compete, while expanding access to financing for their small-business customers.

Industrial and commercial facilities

Ministry of Government and Consumer Services

Simplify and update rules for operating engineers

Amendments to the *Technical Standards and Safety Act, 2000* would give the government the authority to approve updated and more efficient rules for businesses. This would reduce regulatory burden without compromising public safety. Simplified and updated rules for operating engineers who operate boiler and pressure vessel plants would become effective after further consultation with stakeholders. These proposed changes would cut business costs by up to $5 million annually and allow companies to adopt newer technologies.

Long-term care homes

Ministry of Health and Long-Term Care

Modernize and streamline administrative requirements for the operators of long-term care (LTC) homes

Proposed amendments to the *Long-Term Care Homes Act, 2007* would make it easier for businesses in the LTC sector to operate by reducing red tape and administrative burdens. These changes would affect the persons to whom LTC licensees would be required to give notice when they withhold approval of admission, as well as public consultations on licensing transactions, temporary emergency licences and short-term authorizations. The amendments would reduce the cost in time and money to licensees for public consultations, and would modernize the licensing process to provide greater flexibility.

Manufacturing

Ministry of Government and Consumer Services

Eliminated regulatory and licensing requirements for upholstered and stuffed articles

Removing all Ontario-specific licensing and regulatory requirements for upholstered and stuffed articles will reduce a long-standing burden on business, save businesses $4 million annually and eliminate trade barriers. These items will continue to be subject to the federal government's health and safety, and labelling requirements — as is the case in other provinces.

Ministry of the Environment, Conservation and Parks

Repeal the Toxics Reduction Act by 2021, remove the toxics reduction plan in 2019 and rely on the robust and science-based Federal Chemicals Management Plan, as other provinces do

8.2.1

Under Ontario's *Toxics Reduction Act, 2009*, regulated facilities need to report publicly on their use of certain toxic substances, and are required to identify options to reduce them through toxic reduction plans every five years. The federal government's Chemicals Management Plan also requires facilities to take action on toxic substances, which can include identifying options to reduce their use. By 2021, all substances regulated by Ontario will be covered by the federal program.

To avoid unnecessary duplication, Ontario proposes to no longer require facilities to create or review their toxics reduction plans as the federal government finalizes its approach to these substances. The Ontario government also proposes to repeal the *Toxics Reduction Act* in 2021 and defer to the federal government's Chemicals Management Plan for action on toxic substances.

Ministry of the Environment, Conservation and Parks

Revoke nine regulations related to the Municipal Industrial Strategy for Abatement (MISA) and insert these requirements into Environmental Compliance Approvals (ECAs)

In Ontario, 113 facilities are currently subject to nine sector-specific industrial wastewater regulations, as well as site-specific ECAs. To reduce regulatory burden for facilities while maintaining oversight over release of industrial wastewater, the government would transfer applicable requirements from the nine regulations into the ECAs for these facilities, and then revoke the nine regulations. These changes would allow businesses to have greater operational flexibility, such as the ability to implement changes to their production processes, so they could focus on being more innovative and competitive.

Ministry of Labour

Amend Workplace Hazardous Materials Information System (WHMIS) regulation under the Occupational Health and Safety Act to allow updated labels to be placed on existing chemical containers

The proposed change would amend WHMIS regulation to allow updated labels to be placed on existing chemical containers. Without this change, existing chemicals would need to be disposed of, and new chemicals would need to be purchased. The change would save Ontario universities an estimated $60.2 million to $107.9 million.

Private career colleges

Ministry of Training, Colleges and Universities

Amend the *Private Career Colleges Act, 2005* to reduce administrative burdens

These proposed changes would create registration requirements that make sense, align tuition

8.2.1

fee collection with the federal government and reduce unnecessary regulatory notices. They would also maintain important information for students, and introduce modern and easy-to-use online services. Private career colleges would see annual savings of $460,000 in their business costs, including less paperwork. This would permit them to invest in the quality programs, instructors and infrastructure to support a vocational training sector that provides the skilled workforce that employers need.

Second-hand market

Ministry of the Attorney General

Repeal the *Pawnbrokers Act*

Would repeal an outdated Act that duplicates municipalities' existing bylaw-making and licensing authority. This change would remove a layer of red tape and make pawnbroker businesses subject to local bylaws, just like any other business.

Telecommunications

Ministry of Government and Consumer Services

Repeal the *Wireless Services Agreements Act, 2013* and harmonize with the federal government's national wireless code

Repealing this Act would eliminate unnecessary duplication with federal law, making it easier and faster for consumers and businesses to understand their rights and obligations.

Trucking

Ministry of Transportation

Allow electronic documentation for International Registration Plans (IRPs)

These proposed changes to the *Highway Traffic Act* would allow commercial truck drivers the option of an electronic cab card, making it easier to confirm driver credentials and reduce paperwork. As well as reducing red tape, this change would allow truck drivers and IRP jurisdictions increased flexibility in issuing and presenting a cab card.

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8.2.1

APPENDIX C

5. Our Goals and Strategies

Goals

The following four goals were developed to guide the Township over the next 20 years.

8.2.1