



**City of Kingston
Report to Council
Report Number 19-039**

To: Mayor and Members of Council
From: Lanie Hurdle, Acting Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: February 5, 2019
Subject: Bill 66, *Restoring Ontario's Competitiveness Act, 2018*

Executive Summary:

On December 6, 2018, the Ministry of Economic Development, Job Creation and Trade introduced Bill 66, the *Restoring Ontario's Competitiveness Act, 2018*. Bill 66 is the second in a series of bills through Ontario's Open for Business Action Plan to "stimulate business investment, create good jobs, and make Ontario more competitive by cutting unnecessary regulations that are inefficient, inflexible or out of date."

Bill 66 proposes to amend or repeal several pieces of legislation as an attempt to reduce "red tape". This report focuses on Schedule 10 of proposed Bill 66. City staff will review other proposed legislative changes and report back to Council any changes that could impact the delivery of city services.

Schedule 10 of Bill 66 is an amendment to the municipal zoning by-law powers under Section 34 of the *Planning Act* to create a new economic development tool, the open-for-business planning by-law. The purpose of the changes is to remove planning barriers to expedite major business investments and speed up approvals. 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. If a request is endorsed, the municipality could pass an open-for-business planning by-law through a streamlined process. This process would:

- Allow municipalities to permit the use (i.e. zone the lands) without having to strictly adhere to existing local requirements (Official Plan and zoning);
- Remove the application of a separate approval process for Site Plan Control;
- Remove ability to use density bonusing (Community Benefits in exchange for increased height and/or density) and holding by-law provisions;

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- Allow the municipality to impose limited planning-related conditions that may help to facilitate the proposal (i.e. approval of plans and drawings that show site plan matters (transportation access, lighting, parking, etc.)) and enter into agreements to ensure development conditions are secured;
- Allow public consultation at the discretion of the municipality, while requiring public notice after the by-law is passed;
- Provide that decisions are final and cannot be appealed to the Local Planning Appeal Tribunal (LPAT), but allow the Minister of Municipal Affairs and Housing to intervene before the by-law comes into effect, 20 days after its passing; and
- Remove the requirement for decisions to strictly adhere to provincial policies and provincial plans, including the Provincial Policy Statement, the *Clean Water Act, 2006*, the *Great Lakes Protection Act, 2015*, the *Greenbelt Act, 2005*, the *Lake Simcoe Protection Act, 2008*, and the *Oak Ridges Moraine Conservation Act, 2001*, but allow the Minister of Municipal Affairs and Housing to impose conditions when endorsing the use of the tool.

The purpose of this report is to provide a high level overview of the proposed changes to the *Planning Act*, the potential implications of these changes on the land use planning process, drinking water resources and the environment, and staff comments and concerns with respect to these changes. On January 18, 2019, Planning staff submitted a high level statement of staff's concerns on the Environmental Registry of Ontario's website regarding these changes.

On January 23, 2019, the Minister of Municipal Affairs and Housing announced through a series of Twitter posts that the Government had "listened to the concerns raised by MPPs, municipalities and stakeholders with regards to Schedule 10 of Bill 66 and when the legislature returns in February, we [the Government] will not proceed with Schedule 10 of the Bill." The Ontario Legislature is set to resume on February 19, 2019 following its winter break. Based on this announcement, it is anticipated that Schedule 10 will be removed from Bill 66 when it receives its Second Reading.

Despite the announcement, staff is seeking direction to forward the comments to the Minister of Economic Development, Job Creation and Trade, the Minister of Municipal Affairs and Housing, and the Members of Provincial Parliament (Kingston and the Islands and Lanark-Frontenac-Kingston), as the City of Kingston comments on Schedule 10 of Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, First Reading.

Recommendation:

That Report Number 19-039 regarding the changes proposed to the *Planning Act* through Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, First Reading, be received by Council and the comments endorsed; and

That Council not support the changes to the *Planning Act* as proposed by Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, First Reading; and

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That Report Number 19-039 and Council's resolution be submitted to the Minister of Economic Development, Job Creation and Trade, the Minister of Municipal Affairs and Housing, and the Members of Provincial Parliament (Kingston and the Islands and Lanark-Frontenac-Kingston), as the City of Kingston comments on Schedule 10 of Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, First Reading.

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Acting Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston

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Desirée Kennedy, Chief Financial Officer & City Treasurer

Not required

Deanne Roberge, Acting Commissioner, Corporate & Emergency Services

Not required

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Options/Discussion:

On December 6, 2018, the Province introduced Bill 66, the *Restoring Ontario's Competitiveness Act, 2018*. Bill 66 is the second in a series of bills through Ontario's Open for Business Action Plan to "stimulate business investment, create good jobs, and make Ontario more competitive by cutting unnecessary regulations that are inefficient, inflexible or out of date." Bill 47, the *Making Ontario Open for Business Act, 2018*, was the first step by the Province to "eliminate unnecessary costs and burdens to businesses in Ontario." Bill 47 received Royal Assent on November 21, 2018.

Bill 66 includes twelve schedules which propose to amend or repeal the following legislation.

Schedule	Legislation Proposed To Be Amended/Repealed by Bill 66
Schedule 1: Ministry of Agriculture Food and Rural Affairs	<ul style="list-style-type: none"> • The <i>Agricultural Employees Protection Act, 2002</i> • The <i>Farm Registration and Farm Organizations Funding Act, 1993</i> • The <i>Ministry of Agriculture, Food And Rural Affairs Act</i>
Schedule 2: Ministry of the Attorney General	<ul style="list-style-type: none"> • The <i>Pawnbrokers Act</i> (proposed to be repealed) • The <i>Personal Property Security Act</i>
Schedule 3: Ministry of Education	<ul style="list-style-type: none"> • The <i>Child Care and Early Years Act, 2014</i> • The <i>Education Act</i>
Schedule 4: Ministry of Energy, Northern Development and Mines	<ul style="list-style-type: none"> • The <i>Ontario Energy Board Act, 1998</i>
Schedule 5: Ministry of the Environment, Conservation and Parks	<ul style="list-style-type: none"> • The <i>Toxics Reduction Act, 2009</i> (proposed to be repealed)
Schedules 6: Ministry of Finance	<ul style="list-style-type: none"> • The <i>Pension Benefits Act</i>
Schedule 7: Ministry of Government and Consumer Services	<ul style="list-style-type: none"> • The <i>Technical Standards and Safety Act, 2000</i> • The <i>Wireless Services Agreements Act, 2013</i> (proposed to be repealed)
Schedule 8: Ministry of Health and Long-Term Care	<ul style="list-style-type: none"> • The <i>Long-Term Care Homes Act, 2007</i>
Schedule 9: Ministry of Labour	<ul style="list-style-type: none"> • The <i>Employment Standards Act, 2000</i> • The <i>Labour Relations Act, 1995</i>
Schedule 10: Ministry of Municipal Affairs and Housing	<ul style="list-style-type: none"> • The <i>Planning Act</i>
Schedule 11: Ministry of Training, Colleges and Universities	<ul style="list-style-type: none"> • The <i>Private Career Colleges Act, 2005</i>
Schedule 12: Ministry of Transportation	<ul style="list-style-type: none"> • The <i>Highway Traffic Act</i>

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The full text of Bill 66 is available on the Legislative Assembly of Ontario’s website at [Bill 66, First Reading](#)).

While several of the proposed amendments are related to labour and employment laws and service delivery, one of the most significant legislative changes proposed by Bill 66 is an amendment to the municipal zoning by-law powers under Section 34 of the *Planning Act* to create a new economic development tool, the open-for-business planning by-law. The tool would be available to all local municipalities to ensure that they can act quickly to attract businesses seeking development sites. The proposed amendment to the *Planning Act* will be accompanied by a new Ontario Regulation (O. Reg.) under the *Planning Act*. A summary of the proposed new Regulation on the Environmental Registry of Ontario indicates that the open-for-business planning by-law would only apply to major employment uses that meet a minimum job creation threshold.

The purpose of this report is to provide a high level overview of the proposed changes to the *Planning Act* and the potential implications of these changes on the land use planning process as it relates to an open-for-business by-law, on drinking water resources and the environment, and staff comments with respect to these changes. For a summary of the other legislative changes proposed, refer to Exhibit A.

Comments on the proposed changes may be submitted on the Environmental Registry of Ontario’s website by January 20, 2019 or directly to the Minister and the local Members of Provincial Parliament (MPPs, Kingston and the Islands and Lanark-Frontenac-Kingston) thereafter.

Proposed Changes to the *Planning Act*

Schedule 10 of Bill 66 proposes to amend the *Planning Act* to add a new Section 34.1, which would allow local municipalities to pass open-for-business planning by-laws. These by-laws would involve the exercise of a municipality’s powers under Section 34 (zoning by-laws) of the *Planning Act* and allow municipalities to impose one or more specified conditions. The Province has indicated that the purpose of the proposed changes is to remove planning barriers to expedite major business investments and speed up approvals so they would be completed within one year.

Certain provisions of the *Planning Act* and other Acts that would ordinarily apply to a by-law passed under Section 34 would not apply to an open-for-business planning by-law, as discussed below.

Provisions of various legislation that would not apply to an open-for-business planning by-law	Description
Subsection 3 (5) of the <i>Planning Act</i>	A decision regarding an open-for-business planning by-law does not need to be consistent with policy statements (i.e. the Provincial Policy Statement) and provincial plans.

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Provisions of various legislation that would not apply to an open-for-business planning by-law	Description
Section 24 of the <i>Planning Act</i>	An open-for-business planning by-law does not need to conform with an Official Plan.
Subsections 34 (10.0.0.1) to (34) of the <i>Planning Act</i>	Restrictions for amending a new zoning by-law within two years of adoption; appeal rights to the LPAT; and provision of notice of and requirement to hold a Public Meeting, etc.; would not apply with respect to an open-for-business planning by-law.
Section 36 of the <i>Planning Act</i>	A holding provision may not be used for an open-for-business planning by-law.
Section 37 of the <i>Planning Act</i>	Community Benefits in exchange of increase in height and/or density would not apply to an open-for-business planning by-law.
Section 39 of the <i>Clean Water Act, 2006</i>	A decision regarding an open-for-business planning by-law does not need to conform with significant drinking water threat policies or have regard to other policies set out in source protection plans.
Section 20 of the <i>Great Lakes Protection Act, 2015</i>	A decision regarding an open-for-business planning by-law does not need to conform with designated policies of a geographically-focused initiative or have regard to policies described in Schedule 1 of the <i>Act</i> that are set out in the initiative and that are not designated policies.
Section 7 of the <i>Greenbelt Act, 2005</i>	A decision regarding an open-for-business planning by-law does not need to conform with the Greenbelt Plan.
Section 6 of the <i>Lake Simcoe Protection Act, 2008</i>	A decision regarding an open-for-business planning by-law does not need to conform with the designated policies of the Lake Simcoe Protection Plan or have regard for other policies established by the Plan.
Subsection 31.1 (4) of the <i>Metrolinx Act, 2006</i>	A decision regarding an open-for-business planning by-law within the regional transportation area does not need to be consistent with the designated policies in a transportation planning policy statement.
Section 7 of the <i>Oak Ridges Moraine Conservation Act, 2001</i>	A decision regarding an open-for-business planning by-law does not need to conform with the Oak Ridges Moraine Conservation Plan.

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Provisions of various legislation that would not apply to an open-for-business planning by-law	Description
Section 13 of the <i>Ontario Planning and Development Act, 1994</i>	Requirement that a development plan prevails in a conflict between an Official Plan or zoning by-law does not apply.
Subsection 14 (1) of the <i>Places to Grow Act, 2005</i>	An open-for-business planning by-law does not need to conform with the Growth Plan for the Greater Golden Horseshoe, 2017 or the Growth Plan for Northern Ontario, 2011.
Section 12 of the <i>Resource Recovery and Circular Economy Act, 2016</i>	A decision regarding an open-for-business planning by-law does not need to be consistent with applicable policy statements.
Any prescribed provision	This allows any other legislated provisions to be added in the future to the list of provisions that would not apply to an open-for-business planning by-law.

The proposed Section 34.1 outlines the following procedures for open-for-business planning by-laws:

- 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 of Municipal Affairs and Housing and if criteria as may be prescribed are satisfied. The approval must be requested by the municipality by resolution, and the request must have been accompanied by the prescribed information. Conditions may be imposed by the Minister at the time of approval.
- Section 41 of the *Planning Act* (Site Plan Control) would not apply in respect of land that is subject to an open-for-business planning by-law. However, site plan type conditions may be imposed as listed in proposed subsection 34.1(8). If one of the conditions is a requirement for the owner of the land to which the by-law applies to enter into an agreement with the municipality, the agreement may be registered against the land to which it applies; and 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. Section 41 of the *Planning Act* would apply if the open-for-business planning by-law has been amended, except in circumstances where the amendment relates only to a condition imposed.
- No notice of or holding of a Public Meeting would be required prior to passing an open-for-business planning by-law. However, municipalities would be required to notify the Minister within three days of the passing of such a by-law. Municipalities have the discretion as to how and who is notified within 30 days of passing an open-for-business planning by-law.
- An open-for-business planning by-law would come into force on:
 - the 20th day after it is passed, even if that day is a holiday; or

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- 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.
- The Minister may, by order, modify or revoke an open-for-business planning by-law at any time before it comes into force.
- 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, if a municipality wishes to amend or revoke any provision of an open-for-business by-law that imposes any of the site plan type conditions, the municipality must give 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.
- In the event of a conflict between an open-for-business planning by-law, a zoning by-law and an interim control by-law, the by-law that was passed later would prevail to the extent of the conflict, but in all other respects the other by-law would remain in effect.

Proposed Regulation

The proposed amendment to the *Planning Act* will be accompanied by a new Ontario Regulation (O. Reg.) under the *Planning Act*. A summary of the proposed new Regulation on the Environmental Registry of Ontario indicates that a municipality's request to the Minister of Municipal Affairs and Housing to use an open-for-business planning by-law would need to be accompanied by information that would be prescribed in the new regulation, such as a description of the subject lands, land use planning information and open-for-business information, including details about the proposed employment opportunity.

The proposed regulation would also:

- require confirmation that the proposal is for a new major employment use;
- require evidence that the proposal would meet a minimum job creation threshold (i.e. 50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people);
- identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use; and
- prescribe how notice is to be given to the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law (similar to how the Minister is notified following the passing of a zoning by-law - i.e. email and personal service).

The purpose of the proposed regulation is to facilitate the implementation of the proposed open-for-business planning by-law.

Potential Implications and Staff Comments

The following is a discussion of the potential implications of the proposed amendments to the *Planning Act* on land use planning, water resources and the environment, and staff comments on these changes.

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- **Conformity with the Provincial Policy Statement and the Official Plan:** The open-for-business planning by-law would be exempt from several *Planning Act* requirements that typically govern the passage of zoning by-laws. Should a municipality choose to use an open-for-business planning by-law, the by-law would not have to conform with municipal Official Plan policies or be consistent with the Provincial Policy Statement.

Staff Comments: Staff do not support the above-noted broad exemptions as they have the potential to negate the long-term vision for land use planning and development established in municipal Official Plans as well as the policy direction established in the Provincial Policy Statement. In the context of Kingston, for example, an open-for-business planning by-law would not need to address the City's Official Plan policies related to land use compatibility matters, land use designations and permissions, locational matters (i.e. within the Urban Boundary or the Rural Area), efficient use of infrastructure and municipal services, the protection of waterfront areas, and specific policy areas and secondary plan policies, among others. The proposed open-for-business-planning by-law, therefore, has the potential to be contrary to the policy direction adopted by Council in the City's Official Plan.

- **Public Consultation Process:** A municipality opting to use an open-for-business planning by-law would not be required to provide notices or hold a Public Meeting prior to the passage of the by-law.

Staff Comments: The proposed framework to approve an open-for-business planning by-law would allow municipalities to bypass the public consultation process that is typically required for a zoning by-law amendment. Public consultation would be at the discretion of the municipality. Additionally, members of the public would not have the ability to appeal the by-law to the LPAT. Staff have concerns regarding this approach as it is contrary to Council's commitment to transparency and citizen engagement as an initiative under its Open Government priority. Further, it weakens the democratic planning approvals process currently required under the *Planning Act* which is intended to support enhanced public engagement in planning matters.

- **Site Plan Control:** A development approved under an open-for-business planning by-law would not be subject to site plan control.

Staff Comments: Under the proposed open-for-business planning by-law, municipalities may impose limited planning-related conditions (i.e. approval of plans and drawings that show site plan matters (transportation access, lighting, parking, etc.)). However, municipalities would not be permitted to impose conditions related to colour, texture and type of materials, window detail, construction details, architectural detail, manner of construction and construction standards. Staff have concerns regarding this approach as it would limit the City's ability to require employment uses to have a superior level of building and streetscape design.

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- **Drinking Water Resources and the Environment:** The open-for-business planning by-law would be exempt from having to be consistent with certain provisions and environmental controls established under other provincial legislation including the *Clean Water Act, 2006*, the *Great Lakes Protection Act, 2015*, the *Greenbelt Act, 2005*, the *Oak Ridges Moraine Conservation Act, 2001* and the *Lake Simcoe Protection Act, 2008*.

Staff Comments: The purpose of the *Clean Water Act, 2006* is to protect existing and future sources of drinking water against drinking water threats. A drinking water threat is defined under the Act as “an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat.” The Act lays out the required steps to develop locally driven, science-based assessment reports and source protection plans. Section 39 of the *Clean Water Act, 2006* requires that a decision under the *Planning Act* that relates to a source protection area conforms with significant threat policies and designated Great Lakes policies set out in the source protection plan and have regard to other policies set out in the source protection plan.

The Cataraqui Source Protection Plan (effective April 2015) covers the Cataraqui Source Protection Area, including the City of Kingston. The Cataraqui Source Protection Plan contains policies intended to mitigate or eliminate threats to source water (i.e. water in lakes, rivers and underground aquifers that is used to supply drinking water). The City’s Official Plan includes source water protection policies that are consistent with the intent of the policies included in the Cataraqui Source Protection Plan. If enacted, the changes proposed by Bill 66, would enable municipalities to pass open-for-business planning by-laws that may be contrary to source protection plan policies regarding protecting drinking water supplies from significant threats.

The purpose of the *Great Lakes Protection Act, 2015* is to protect and restore the ecological health of the Great Lakes-St. Lawrence River Basin and to create opportunities for individuals and communities to become involved in its protection and restoration. The Act sets out a procedure to be followed in respect of proposals for priority areas through “geographically-focused initiatives”. Section 20 of the *Great Lakes Protection Act, 2015* requires that a decision under the *Planning Act* that relates to the area in which an initiative applies, must conform with designated policies of the initiative or have regard to policies described in Schedule 1 of the Act that are set out in the initiative and that are not designated policies. If enacted, the changes proposed by Bill 66 would enable municipalities to pass open-for-business planning by-laws that would not need to comply with Section 20 of the *Great Lakes Protection Act, 2015*. It is staffs’ understanding that no geographically-focused initiatives have been created by the Province to date.

The *Greenbelt Act, 2005*, the *Oak Ridges Moraine Conservation Act, 2001* and the *Lake Simcoe Protection Act, 2008* do not apply to the City of Kingston. Nevertheless, the changes proposed by Bill 66 would enable municipalities to pass open-for-business by-

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laws without the decision having to conform with certain sections of these *Acts*, and have the potential to negatively impact the protection provided to agricultural lands, and the ecological and hydrological features located within Ontario's Greenbelt, the Oak Ridges Moraine and the Lake Simcoe watershed.

In addition to the proposed amendments to the *Planning Act* that have potential implications on the environment, Bill 66 proposes to repeal the *Toxics Reduction Act, 2009* and allow the management and reporting of emissions of toxic, or otherwise regulated substances, to be governed by the Federal Chemicals Management Plan and the National Pollutants Release Inventory (NPRI). This change is expected to have the effect of reducing the number of facilities subject to measurement, reporting and risk management of certain chemical emissions to the environment as both the quantity threshold and the number of substances subject to action would be reduced. Presently in Kingston there are four manufacturing or extraction facilities providing reporting under the *Toxics Reduction Act, 2009*, one of which is also subject to reporting under the Federal NPRI.

Staff have concerns with the above-noted changes proposed by Bill 66. If enacted, the changes would enable municipalities to pass open-for-business planning by-laws that may have a negative impact on drinking water resources and the environment.

Conclusion

The Province is proposing amendments to the *Planning Act* as an attempt to reduce "red tape" and remove planning barriers to expedite major business investments and speed up approvals. While the City supports economic development, staff believes that the changes proposed by the Province do not appear to balance with the land use, citizen engagement and environmental protection objectives of the City. On January 18, 2019, Planning staff submitted a high level statement of staff's concerns on the Environmental Registry of Ontario's website.

On January 23, 2019, the Minister of Municipal Affairs and Housing announced through a series of Twitter posts that the Government had "listened to the concerns raised by MPPs, municipalities and stakeholders with regards to Schedule 10 of Bill 66 and when the legislature returns in February, we [the Government] will not proceed with Schedule 10 of the Bill." The Ontario Legislature is set to resume on February 19, 2019 following its winter break. Based on this announcement, it is anticipated that Schedule 10 will be removed from Bill 66 when it receives its Second Reading.

Despite this announcement, staff are seeking direction to forward this report to the Minister of Economic Development, Job Creation and Trade, the Minister of Municipal Affairs and Housing and the Members of Provincial Parliament (Kingston and the Islands and Lanark-Frontenac-Kingston), as the City of Kingston comments on Schedule 10 of Bill 66, *Restoring Ontario's Competitiveness Act, 2018*, First Reading.

Existing Policy/By-Law:

Bill 66 proposes to amend the Acts listed below:

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- The *Planning Act*
- The *Agricultural Employees Protection Act, 2002*
- The *Farm Registration and Farm Organizations Funding Act, 1993*
- The *Ministry of Agriculture, Food And Rural Affairs Act*
- The *Personal Property Security Act*
- The *Child Care and Early Years Act, 2014*
- The *Education Act*
- The *Ontario Energy Board Act, 1998*
- The *Pension Benefits Act*
- The *Technical Standards and Safety Act, 2000*
- The *Long-Term Care Homes Act, 2007*
- The *Employment Standards Act, 2000*
- The *Labour Relations Act, 1995*
- The *Private Career Colleges Act, 2005*
- The *Highway Traffic Act*

Bill 66 proposes to repeal the Acts listed below:

- The *Pawnbrokers Act*
- The *Toxics Reduction Act, 2009*
- The *Wireless Services Agreements Act, 2013*

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

There are no immediate financial implications resulting from the amendments proposed by Bill 66 to the *Planning Act* as the full details of the implementation are not known at this time.

Contacts:

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Other City of Kingston Staff Consulted:

Paul MacLatchy, Environment Director, Real Estate & Environmental Initiatives

Jim Miller, Director, Engineering & Human Resources, Utilities Kingston

Exhibits Attached:

Exhibit A Summary of the Legislative Changes Proposed by Bill 66

A Summary of the Legislative Changes Proposed by Bill 66, Restoring Ontario's Competitiveness Act, 2018

The proposed *Restoring Ontario's Competitiveness Act, 2018*, if passed, would make the following legislative changes (as indicated in the [Environmental Registry of Ontario posting](#)):

Schedule 1: 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.
- Amend the *Agricultural Employees Protection Act* (AEPA) to cover ornamental horticultural workers.
- Enable amendments under the *Farm Registration and Farm Organizations Funding Act* to simplify delivery of programs and enhance responsiveness.

Schedule 2: Ministry of the Attorney General

- Repeal the *Pawnbrokers Act*.

Schedule 3: 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.
- Lower the age of children that authorized recreation programs can serve from 6 to 4.

Schedule 4: Ministry of Energy, Northern Development and Mines

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

Schedule 5: Ministry of the Environment, Conservation and Parks

- Repeal the *Toxics Reduction Act, 2009* by 2021, remove the toxics reduction plan in 2019 and rely on the science-based Federal Chemicals Management Plan.

Schedule 6: Ministry of Finance

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

Schedule 7: Ministry of Government and Consumer Services

- Reduce where operating engineers are required to supervise.

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

Schedule 8: Ministry of Health and Long-Term Care

- Modernize and streamline administrative requirements for the operators of long-term care homes.

Schedule 9: 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.
- Stop requiring employers to post the *Employment Standards Act* (ESA) poster in the workplace, but retain the requirement that they provide the poster to employees.
- Amend the *Labour Relations Act, 1995* to explicitly deem public bodies, including municipalities, school boards, hospitals, colleges and universities, as “non-construction employers”.

Schedule 10: 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 by about two years.

Schedule 11: Ministry of Training, Colleges and Universities

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

Schedule 12: Ministry of Transportation

- Allow electronic documentation for International Registration Plans.