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Bill 68

An Act to amend various Acts in relation to municipalities

The Hon. B. Mauro
Minister of Municipal Affairs

Government Bill

1st Reading November 16, 2016
2nd Reading March 23, 2017
3rd Reading
Royal Assent

*(Reprinted as amended by the Standing Committee on Social Policy
and as reported to the Legislative Assembly May 3, 2017)*

(The provisions in this Bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~strikethrough~~ for deleted text.

EXPLANATORY NOTE

The Bill amends the *Municipal Act, 2001*, the *City of Toronto Act, 2006*, the *Municipal Conflict of Interest Act* and several other Acts. For convenience, the amendments are set out in separate Schedules.

SCHEDULE 1 AMENDMENTS TO THE MUNICIPAL ACT, 2001

Amendments to the *Municipal Act, 2001* and the *City of Toronto Act, 2006*

Many amendments to the *Municipal Act, 2001* are also made to parallel provisions of the *City of Toronto Act, 2006*. Here are highlights of some of those amendments:

Amendments are made to subsections 10 (2) and 11 (2) of the Act concerning the making of by-laws respecting climate change. (see subsection 8 (2) of the *City of Toronto Act, 2006*)

A new section 23.6 of the Act is added concerning the establishment of community councils by municipalities. (see new section 24.1 of the *City of Toronto Act, 2006*)

Subsection 44 (10) of the Act currently governs the service of notice of a claim for the recovery of damages relating to the default by a municipality to keep in repair a highway or bridge for which the municipality has jurisdiction. The subsection is amended to require the notice to include the date, time and location of the injury complained of. (see subsection 42 (6) of the *City of Toronto Act, 2006*)

A new section 97.1 of the Act provides permissive authority for by-laws respecting the protection or conservation of the environment that require buildings to be constructed in accordance with prescribed provisions of the Building Code. (see new section 108.1 of the *City of Toronto Act, 2006*)

Subsection 99 (1) of the Act, which currently governs the application of by-laws respecting certain advertising devices, is repealed and re-enacted to provide that the subsection, as it previously read, continues to apply to by-laws passed before its re-enactment. (see subsection 110 (1) of the *City of Toronto Act, 2006*)

Section 147 of the Act, which currently governs the provision of energy conservation programs by municipalities, is re-enacted to provide that municipalities may provide for or participate in long-term energy planning ~~for energy use~~ in the municipality. (see new section 105.3 of the *City of Toronto Act, 2006*)

Currently, subsection 216 (3) of the Act prevents a municipality from dissolving or changing an appeal body established to hear appeals for certain local land use planning matters. Amendments are made to remove the restriction concerning the changing of such appeal bodies. (see section 145 of the *City of Toronto Act, 2006*)

Various amendments are made concerning Integrity Commissioners. Subsection 223.3 (1) of the Act is amended to expand the list of responsibilities of a Commissioner. New subsections 223.3 (6) and (7) require municipalities to indemnify Integrity Commissioners or any persons acting under the instructions of that officer for costs reasonably incurred in connection with the defence of certain proceedings. A new section 223.4.1 sets out rules that apply if a Commissioner conducts an inquiry, either on application or on his or her own initiative, on application from an elector, as defined in the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*. Other related amendments are made to sections 223.3, 223.4 and 223.5. Certain rules apply with respect to inquiries and other matters during regular elections. (see sections 159, 160 and 161 and new section 160.1 of the *City of Toronto Act, 2006*)

The definition of “meeting” in subsection 238 (1) of the Act, which applies to sections 238 to 239.2, is re-enacted to mean any regular, special or other meetings of council, or of certain local boards or committees, where a quorum is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body. A new subsection 238 (3.2) of the Act provides that a procedure by-law shall not provide that a member of council, of a local board or of a committee of either them, can participate electronically in a meeting which is closed to the public. (see subsections 189 (1) and (4.1) of the *City of Toronto Act, 2006*)

A new subsection 239.2 (12) of the Act requires a municipality or a local board to pass a resolution stating how it intends to address a report from a person referred to in clause 239.1 (a) or (b) reporting his or her opinion that a meeting or part of a meeting that was the subject of an investigation by that person appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2). (see subsection 190.2 (11.1) of the *City of Toronto Act, 2006*)

Section 259 of the Act currently sets out circumstances where a council member’s office becomes vacant. A new subsection 259 (1.1) is added to provide that an office is not vacated due to absences related to pregnancy or the birth or adoption of the member’s child. (see new subsection 204 (2) of the *City of Toronto Act, 2006*)

Amendments are made to subsection 270 (1) of the Act to require a municipality to adopt and maintain policies with respect to the relationship between members of council and the officers and employees of the municipality, with respect to the protection and enhancement of the tree canopy and natural vegetation in the municipality and with respect to pregnancy and parental leaves of council members. (see subsection 212 (1) of the *City of Toronto Act, 2006*)

Section 343 of the Act governs the content and delivery of tax bills. A new subsection 343 (6.1) permits tax bills to be sent electronically, if the taxpayer chooses to receive the bill in that manner. (see new subsection 308 (6.1) of the *City of Toronto Act, 2006*)

New section 357.1 of the Act authorizes a treasurer of a local municipality, in certain circumstances, to cancel, reduce or refund all or part of a payment in lieu of taxes. (see new section 324 of the *City of Toronto Act, 2006*)

Amendments are made to sections 371 to 388.2 of the Act, and new sections are added, to reduce the time that property taxes have to be in arrears before a municipality can start a tax sale and to make other changes to the process. Expedited timelines are provided for the sale of corporate property that has escheated or forfeited to the Crown. Various amendments relate to the coming into force of the *Forfeited Corporate Property Act, 2015*. (see sections 343 to 364.2 of the *City of Toronto Act, 2006*)

A new section 434.1 of the Act includes permissive authority for municipalities to impose administrative penalties for failure to comply with a municipal by-law. A new section 434.2 provides that such administrative penalties constitute a debt to the municipality. (see new sections 374.1 and 374.2 of the *City of Toronto Act, 2006*)

A new section 434.3 of the Act permits a municipality to pass a by-law respecting the limitation period for an offence relating to a matter described in section 223.9 or 223.10. (see new section 374.3 of the *City of Toronto Act, 2006*)

A new section 474.11 of the Act deems land that is vested in or becomes property of the Crown in certain circumstances to be rateable property for the purposes of the Act. Transition rules are included. (see new section 432.1 of the *City of Toronto Act, 2006*)

Amendments to the *Municipal Act, 2001* only

Here are highlights of some of the amendments made to the *Municipal Act, 2001* only:

Amendments are made to sections 218, 219 and 221 of the Act, and new sections 219.1, 219.2 and 219.3 are added, concerning how regional municipalities are able to change the composition of their councils. The amendments also require a regional municipality to review, for each of its lower-tier municipalities, the number of its members that represent the lower-tier municipality. Provisions are also included to permit the Minister to alter the composition of regional councils in certain circumstances.

Amendments are made to section 223.2 of the Act to require municipalities to establish codes of conduct for members of council and of local boards.

~~A new section 223.3.1~~ [A new subsection 223.3 \(1.1\)](#) of the Act requires municipalities that have not appointed an Integrity Commissioner to make arrangements for all of the responsibilities listed in subsection 223.3 (1) to be provided by a Commissioner of another municipality.

~~A new section 223.3.2~~ [A new subsection 223.3 \(1.2\) of the Act](#) requires municipalities that have appointed an Integrity Commissioner but have not assigned functions with respect to one or more of the responsibilities set out in subsection 223.3 (1), to make arrangements for those responsibilities to be provided by a Commissioner of another municipality.

A new section 268 of the Act permits a local municipality to appoint an alternate member when a person who is a member of both the local council and upper-tier council is unable to attend a meeting of the upper-tier council.

A new section 418.1 of the Act permits a municipality that meets certain requirements to invest money that it does not immediately require in any security, in accordance with the section and the regulations. A municipality that invests money under the section must exercise the care, skill diligence and judgment that a prudent investor would exercise in making such an investment. Consequential amendments are also made to sections 279, 286, 410, 418, 420 and 421.

SCHEDULE 2

AMENDMENTS TO THE CITY OF TORONTO ACT, 2006

In addition to the amendments made to the *City of Toronto Act, 2006* described earlier for Schedule 1, other amendments of a technical or editorial nature are made to the Act. Other amendments are made to section 115 of the Act, which currently permits the City to constitute and appoint one appeal body for local land use planning matters. The amendments authorize the Minister, by order, to dissolve the appeal body and also set out special rules that apply if such an order is made (see similar amendments to section 8.1 of the *Planning Act* in Schedule 4).

SCHEDULE 3

AMENDMENTS TO THE MUNICIPAL CONFLICT OF INTEREST ACT

The Schedule amends the *Municipal Conflict of Interest Act*. Here are some highlights:

A new section 1.1 of the Act sets out the principles endorsed by the Province of Ontario in relation to the duties of members of councils and of local boards under the Act.

Currently, section 5 of the Act sets out rules that apply if a member has a pecuniary interest in a matter and is present at a meeting where the matter is subject to consideration. A new subsection 5 (2.1) sets out special rules that apply where the matter under consideration is whether to impose a penalty on the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*.

A new section 5.1 of the Act requires a member to file a written statement after the member discloses a pecuniary interest under section 5. A new section 5.2 of the Act prohibits a member from influencing certain decisions or recommendations where the member has a pecuniary interest in the matter being considered.

New section 6.1 of the Act requires municipalities and local boards to establish and maintain registries that keep copies of statements filed under section 5.1 and of declarations recorded under section 6.

Sections 8, 9 and 10 of the Act currently set out rules governing court actions respecting alleged contraventions of the Act. Those sections are repealed and replaced with new rules that permit any person an elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest to make an application to a judge and that expand the range of consequences that may be imposed on a member by a judge.

SCHEDULE 4 AMENDMENTS TO OTHER ACTS

The *Building Code Act, 1992* is amended to authorize regulations relating to new section 97.1 of the *Municipal Act, 2001* and new section 108.1 of the *City of Toronto Act, 2006*.

Subsection 37 (1) of the *Development Charges Act, 1997* is amended to include a cross-reference to new section 418.1 of the *Municipal Act, 2001* and to remove cross-references to subsections 417 (2), (3) and (4) of that Act.

Various amendments are made to the *Education Act*. Section 170 of the Act is amended to require every school board to adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of the board. Section 228 of the Act currently sets out circumstances where a member of the board's seat becomes vacant. A new subsection 228 (2.1) is added to provide that a vacancy does not occur where the member is absent for 20 consecutive weeks or less if the absence is the result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member. Currently, subsection 240 (1) of the ~~*Education Act*~~ *Act* governs the levy and collection of school rates on taxable property in certain circumstances. A new subsection 240 (1.1) provides that, for the purposes of subsection (1), taxable property is property that is rateable property for the purposes of the *Municipal Act, 2001*.

Subsection 257.6 (1) of the *Education Act* currently provides that real property that is liable to assessment and taxation under the *Assessment Act* is taxable for school purposes. The subsection is amended to include property that vested in or becomes property of the Crown in certain circumstances. Transitional rules are included. Similar amendments are made to section 257.17 concerning real property that is rateable for the purposes of section 257.16.

Subsection 24 (8) of the *Forfeited Corporate Property Act, 2015* is amended to include cross-references to new section 373.1 of the *Municipal Act, 2001* and new section 344.1 of the *City of Toronto Act, 2006*.

A cross-reference in subsection 49 (8) of the *Health Protection and Promotion Act* is amended.

The *Hummingbird Performing Arts Centre Corporation Act, 1998* is repealed.

Consequential amendments are made to the Schedule to the *Limitations Act, 2002* to reflect amendments made to the *Municipal Conflict of Interest Act*.

Various amendments are made to the *Municipal Elections Act, 1996*. Here are some highlights:

1. Subsection 6 (1) is amended to change the beginning of terms of all offices from December 1 to November 15 in the year of a regular election. ~~Consequential amendments are made to section 94.2. A transitional rule applies with respect to the 2018 regular election. Section 94.2, which sets out the limitation period with respect to the prosecution of offences in relation to elections, is also amended to make consequential changes, including a transitional rule in relation to the 2014 regular election.~~

1.1 Section 33 currently sets out requirements relating to the nomination of a person for an office on a council of a municipality. Under provisions of that section that are not yet in force, the nomination must be endorsed by at least 25 persons. Amendments are made to provide that the requirement, once in force, would not apply in a municipality if the number of electors is less than the prescribed number.

2. Section 88.9 is amended to increase the maximum contribution to a candidate from \$750 to \$1,200. A related amendment is made to section 88.22.
3. New section 88.9.1 provides rules concerning the maximum amount that a candidate for an office of council and his or her spouse are permitted to make to the candidate's own election campaign. New section 33.0.2 requires the clerk of a municipality, upon the filing of a person's nomination, to give a certificate of the applicable maximum amount.
4. Section 88.13 is amended to increase the maximum contribution to a registered third party in relation to third party advertisements from \$750 to \$1,200. A related amendment is made to section 88.26.

Subsection 9 (3) of the *Municipal Extra-Territorial Tax Act* is amended to include a cross-reference to new section 373.1 of the *Municipal Act, 2001*. A technical amendment is made to clause 9 (10) (b).

Subsection 42 (2) of the *Northern Services Boards Act* is amended to provide that a Board may make investments, incur debts and establish reserve funds in the same manner as a municipality invests under section 418 of the *Municipal Act, 2001*.

Section 2 of the *Planning Act* currently requires the Minister, municipal councils, local planning boards and the Municipal Board to have regard to matters of provincial interest and lists examples of such matters. Added to the list is the mitigation of greenhouse gas emissions and adaptation to a changing climate. Other amendments are made to section 8.1 of the Act, which currently permits a municipality to constitute and appoint one appeal body for certain local land use planning matters. The amendments authorize the Minister, by order, to dissolve a local appeal body and also set out special rules that apply if such an order is made.

Subsection 34 (2) of the *Public Inquiries Act, 2009* is amended to include cross-references to new subsection 160.1 (8) of the *City of Toronto Act, 2006* and new subsection 223.4.1 (8) of the *Municipal Act, 2001*.

Subsection 33 (4) of the *Public Transportation and Highway Improvement Act* currently governs the service of notice of a claim for the recovery of damages relating to the default by the Ministry to keep the King's highway in repair. The subsection is amended to require the notice to include the date, time and location of the injury complained of.

Consequential amendments are made to the *Regional Municipality of Peel Act, 2005* in connection with amendments to section 218 of the *Municipal Act, 2001*.

An Act to amend various Acts in relation to municipalities**CONTENTS**

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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 *Modernizing Ontario's Municipal Legislation Act, 2017*.

**SCHEDULE 1
AMENDMENTS TO THE MUNICIPAL ACT, 2001**

1 Paragraph 5 of subsection 10 (2) of the *Municipal Act, 2001* is repealed and the following substituted:

5. Economic, social and environmental well-being of the municipality, including respecting climate change.

2 Paragraph 5 of subsection 11 (2) of the Act is repealed and the following substituted:

5. Economic, social and environmental well-being of the municipality, including respecting climate change.

3 The Act is amended by adding the following section before the heading to Part III:

Community councils

23.6 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to establish one or more community councils which are responsible for,

- (a) exercising the powers and duties that have been delegated to the community council by the municipality with respect to matters relating to all or part of the municipality; and
- (b) performing the functions assigned to the community council by the municipality with respect to matters relating to all or part of the municipality, which may include the function of making recommendations to council on any matter, such as the budget.

Composition of community council

(2) A community council may include,

- (a) a council committee; or
- (b) a body having at least two members that is composed of,
 - (i) one or more members of council,
 - (ii) individuals appointed by council, or
 - (iii) a combination of individuals described in subclauses (i) and (ii).

4 Subsection 44 (10) of the Act is amended by striking out “written notice of the claim and of the injury complained of has been served” in the portion before clause (a) and substituting “written notice of the claim and of the injury complained of, including the date, time and location of the occurrence, has been served”.

5 The Act is amended by adding the following section after the heading “Structures, Including Fences and Signs”:

Environmental standards; construction of buildings

97.1 (1) Without limiting sections 9, 10 and 11, those sections authorize a local municipality to pass a by-law respecting the protection or conservation of the environment that requires buildings to be constructed in accordance with provisions of the building code under the *Building Code Act, 1992* that are prescribed under that Act, subject to such conditions and limits as may be prescribed under that Act.

Conflict

(2) Despite section 35 of the *Building Code Act, 1992*, if there is a conflict between that Act or the building code under that Act and a by-law to which this section applies, that Act or the building code prevails.

Green roofs or alternative roof surfaces

(3) Without limiting sections 9, 10 and 11, the power described in subsection (1) includes the power to require the construction of green roofs or of alternative roof surfaces that achieve similar levels of performance to green roofs.

Definition

(4) For the purposes of subsection (3),

“green roof” means a roof surface that supports the growth of vegetation over a substantial portion of its area for the purpose of water conservation or energy conservation.

6 Subsection 99 (1) of the Act is repealed and the following substituted:

Advertising devices

(1) This subsection, as it read on the day before section 6 of Schedule 1 to the *Modernizing Ontario’s Municipal Legislation Act, 2017* came into force, continues to apply to by-laws passed on or before that day.

7 Section 99.1 of the Act is amended by adding the following subsection:

Agreements

(2.1) If a condition referred to in clause (2) (c) requires an owner of land to which a by-law passed under this section applies to enter into an agreement with the municipality, the municipality may,

- (a) register the agreement against the title to the land to which it applies; and
- (b) enforce the agreement against the owner and any subsequent owners of the land.

8 (1) Paragraph 1 of subsection 108 (2) of the Act is repealed and the following substituted:

1. In accordance with the regulations made under subsection (10), establish and maintain programs for that purpose.

(2) Section 108 of the Act is amended by adding the following subsection:

Regulations

(10) The Minister may make regulations prescribing conditions that must be met before a municipality establishes a program under paragraph 1 of subsection (2).

9 The Act is amended by adding the following section:

Entry on land re maintenance, repairs or alterations

132.1 (1) A municipality may enter on land adjoining land owned or occupied by the municipality, at any reasonable time, for the purpose of maintaining or making repairs or alterations to the land owned or occupied by the municipality but only to the extent necessary to carry out the maintenance, repairs or alterations.

Restriction re buildings

(2) Nothing in this section authorizes entry into a building.

10 Subsection 142 (8) of the Act is repealed.

11 Section 147 of the Act is repealed and the following substituted:

Energy planning

147 (1) Without limiting sections 9, 10 and 11, a municipality may provide for or participate in ~~long term planning for energy use~~ [long-term energy planning](#) in the municipality.

Interpretation

(2) ~~Long term planning for energy use~~ [Long-term energy planning](#) referred to in subsection (1) may include consideration of energy conservation, climate change, and green energy.

12 (1) Subsection 151 (1) of the Act is amended by adding “and” at the end of clause (e), by striking out “and” at the end of clause (f) and by repealing clause (g).

(2) Subsection 151 (4) of the Act is amended,

- (a) by striking out “under clause (1) (b), (d), (e) or (g)” in the portion before clause (a) and substituting “under clause (1), (b), (d) or (e)”; and
- (b) by striking out “in the case of a power under clause (1) (b), (d) or (e),” at the beginning of clause (b).

13 (1) Clause 216 (3) (c.1) of the Act is repealed.

(2) Section 216 of the Act is amended by adding the following subsection:

Restriction re appeal body under *Planning Act*

(3.1) Despite subsection (1), a municipality shall not, in accordance with that subsection, dissolve an appeal body established under section 8.1 of the *Planning Act*.

14 (1) Clause 218 (2) (a) of the Act is repealed and the following substituted:

- (a) change the number of members of its council that represent one or more of its lower-tier municipalities;

(2) Subsections 218 (5) to (8) of the Act are repealed and the following substituted:

Term unaffected

(5) Except as provided in subsection (4), nothing in this section authorizes an upper-tier municipality to change the term of office of a member of council.

Reviews by regional municipalities

(6) Following the regular election in 2018 and following every second regular election after that, a regional municipality shall review, for each of its lower-tier municipalities, the number of members of its council that represent the lower-tier municipality.

Regulations

(7) The Minister may make a regulation changing the composition of a council of a regional municipality if the regional municipality does not, in the period of time that starts on the day the new council is organized following a regular election referred to in subsection (6) and ends on the day two years after that day, either,

- (a) pass a by-law to change, for one or more of its lower-tier municipalities, the number of the members of its council that represent the lower-tier municipality; or
- (b) pass a resolution to affirm, for each of its lower-tier municipalities, the number of the members of its council that represent the lower-tier municipality.

When regulation may be made

(8) The Minister may make a regulation under subsection (7) only after the period of time referred to in that subsection but before the year of the next regular election after which the regional municipality has a duty to conduct a review under subsection (6).

What regulation may include

(9) A regulation made under subsection (7) may include anything that could be included in a by-law of the upper-tier municipality under subsections (1) to (5) and is subject to the limitations set out in those subsections.

What Minister shall have regard to

(10) When considering whether to make a regulation under subsection (7), the Minister shall, in addition to anything else the Minister wishes to consider, have regard to the principle of representation by population.

Transition

(11) Until after the regular election in 2026, subsections (6) and (7) do not apply to a regional municipality that, during the period between the regular election in 2014 and the regular election in 2018, passes a by-law to change, for one or more of its lower-tier municipalities, the number of members of its council that represent the lower-tier municipality.

15 Section 219 of the Act is repealed and the following substituted:

Notice, validity and commencement, by-law or resolution under s. 218

Notice

219 (1) Before passing a by-law described in section 218 or a resolution described in clause 218 (7) (b), the municipality shall give notice of its intention to pass the by-law or resolution and shall hold at least one public meeting to consider the matter.

Validity

(2) A by-law described in section 218 making changes described in clauses 218 (2) (a), (b) and (c) or in subsection 218 (3) or a resolution described in clause 218 (7) (b) is not valid unless,

- (a) a majority of all votes on the upper-tier council are cast in favour of the by-law or the resolution;
- (b) a majority of the councils of all lower-tier municipalities forming part of the upper-tier municipality have passed resolutions consenting to the by-law or the resolution; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law or the resolution form a majority of all the electors in the upper-tier municipality.

Commencement

(3) A by-law described in section 218 does not come into force until the day the new council is organized following,

- (a) the first regular election following the passing of the by-law; or
- (b) if the by-law is passed in the year of a regular election before voting day, the second regular election following the passing of the by-law.

Election

(4) The regular election held immediately before the coming into force of a by-law described in section 218 shall be conducted as if the by-law was already in force.

Definition

(5) In this section,

“elector” means a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding the coming into force of a by-law described in section 218.

When regulation under s. 218 (7) begins to apply

219.1 (1) A regulation made under subsection 218 (7) does not begin to apply until the day the new council is organized following,

- (a) the first regular election following the making of the regulation; or
- (b) if the regulation is made in the year of a regular election before voting day, the second regular election following the making of the regulation.

Election

(2) The regular election held immediately before a regulation made under subsection 218 (7) begins to apply shall be conducted as if the regulation already applied.

By-laws after regulation under s. 218 (7) made

219.2 If a regulation has been made under subsection 218 (7), the regional municipality that the regulation applies to shall not pass a by-law described in section 218 until after the day the regulation begins to apply.

Conflicts between by-laws under s. 218 and regulations under s. 218 (7)

219.3 In the event of a conflict between a regulation made under subsection 218 (7) and a by-law described in section 218 that comes into force on a day after the day the regulation begins to apply, the by-law prevails.

16 Section 221 of the Act is amended by adding the following subsection:

Same, regulations under s. 218 (7)

(2) In the event of a conflict between a regulation made under subsection 218 (7) and any other Act in respect of the composition of a council, the term of office of the head of an upper-tier council or the number of votes given to each member, the regulation made under subsection 218 (7) prevails.

17 Subsection 222 (10) of the Act is repealed.

18 Section 223.2 of the Act is repealed and the following substituted:

Code of conduct

223.2 (1) A municipality shall establish codes of conduct for members of the council of the municipality and of its local boards.

Same

(2) Without limiting sections 9, 10 and 11, those sections authorize the municipality to establish codes of conduct.

No offence or administrative penalty

(3) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence or is required to pay an administrative penalty.

Regulations

(4) The Minister may make regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct.

19 (1) Subsection 223.3 (1) of the Act is repealed and the following substituted:

Integrity Commissioner

(1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

- ~~— 1. The application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them.~~
- ~~— 2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them.~~
- ~~— 3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council or of local boards.~~
- 1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
- 2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.

3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
- ~~4. The conducting of, on the Commissioner's own initiative, inquiries about whether a member of council or of a local board has contravened the code of conduct applicable to the member or has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.~~
5. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
6. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
7. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
8. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

(1.1) Section 223.3 of the Act is amended by adding the following subsections:

Provision for functions if no Commissioner appointed

(1.1) If a municipality has not appointed a Commissioner under subsection (1), the municipality shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality.

Provision for functions if responsibility not assigned

(1.2) If a municipality has appointed a Commissioner under subsection (1), but has not assigned functions to the Commissioner with respect to one or more of the responsibilities set out in that subsection, the municipality shall make arrangements for those responsibilities to be provided by a Commissioner of another municipality.

(2) Section 223.3 of the Act is amended by adding the following subsections:

Request for advice shall be in writing

(2.1) A request by a member of council or of a local board for advice from the Commissioner under paragraph 5, 6 or 7 of subsection (1) shall be made in writing.

Advice shall be in writing

(2.2) If the Commissioner provides advice to a member of council or of a local board under paragraph 5, 6 or 7 of subsection (1), the advice shall be in writing.

Content of educational information

(2.3) If the Commissioner provides educational information to the public under paragraph 8 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned.

(3) Section 223.3 of the Act is amended by adding the following subsections:

Indemnity

(6) A municipality shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority.

Interpretation

(7) For greater certainty, nothing in this section affects the application of section 448 with respect to a proceeding referred to in subsection (6) of this section.

~~20 The Act is amended by adding the following sections:~~

~~Provision for functions if no Commissioner appointed~~

~~223.3.1 If a municipality has not appointed a Commissioner under section 223.3, the municipality shall make arrangements for all of the responsibilities set out in subsection 223.3 (1) to be provided by a Commissioner of another municipality.~~

~~Provision for functions if responsibility not assigned~~

~~223.3.2 If a municipality has appointed a Commissioner under section 223.3, but has not assigned functions to the Commissioner with respect to one or more of the responsibilities set out in subsection 223.3 (1), the municipality shall make arrangements for those responsibilities to be provided by a Commissioner of another municipality.~~

21 Subsection 223.4 (1) of the Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

~~—(c) on the Commissioner’s own initiative about whether a member of council or of a local board has contravened the code of conduct applicable to the member.~~

21 Section 223.4 of the Act is amended by adding the following subsections:

Termination of inquiry when regular election begins

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

Other rules that apply during regular election

(9) The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member.
2. The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of council or of a local board has contravened the code of conduct applicable to the member.
3. The municipality or local board shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board.

22 The Act is amended by adding the following section:

Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act*

223.4.1 (1) This section applies if the Commissioner conducts an inquiry under this Part,

- ~~—(a) in respect of an application under subsection (2); or~~
- ~~—(b) on the Commissioner’s own initiative about whether a member of council or of a local board has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.~~

Application

~~(2) Any person may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a member of council or a member of a local board.~~

Timing

~~(3) An application may only be made within six weeks after the applicant became aware of the alleged contravention.~~

Content of application

~~(4) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application.~~

Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act*

223.4.1 (1) This section applies if the Commissioner conducts an inquiry under this Part in respect of an application under subsection (2).

Application

(2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board.

No application for inquiry during regular election

(2.1) No application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

Timing

(3) An application may only be made within six weeks after the applicant became aware of the alleged contravention.

Exception

(3.1) Despite subsection (3), an application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

1. The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
2. The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

Content of application

(4) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where an applicant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection (3.1), a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time.

~~Notice re inquiry on Commissioner's own initiative~~

~~(5) If the Commissioner decides to conduct an inquiry on his or her own initiative, the Commissioner shall publish a notice of the inquiry.~~

Inquiry

(6) The Commissioner may conduct such inquiry as he or she considers necessary.

Public meeting

(7) If the Commissioner decides to conduct an inquiry, the Commissioner may have a public meeting to discuss the inquiry.

Powers on inquiry

(8) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry.

Information

(9) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry.

Same

(10) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry.

Termination of inquiry when regular election begins

(10.1) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day.

Same

(10.2) If an inquiry is terminated under subsection (10.1), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the member or former member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out.

Timing

~~(11) The Commissioner shall complete the inquiry,~~

- ~~— (a) within 180 days after receiving the completed application, if the inquiry is in respect of an application under subsection (2); or~~
- ~~— (b) within 180 days after the date the notice is published under subsection (5), if the inquiry is conducted on the Commissioner's own initiative.~~

Timing

(11) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (10.1).

Completion

(12) Upon completion of the inquiry, the Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act.

~~Notice to applicant re decision not to apply to judge~~

~~(13) In the case of an inquiry conducted in respect of an application under subsection (2), the Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge.~~

Notice to applicant re decision not to apply to judge

(13) The Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge.

Reasons after inquiry

(14) After deciding whether or not to apply to a judge, the Commissioner shall publish ~~brief~~ written reasons for the decision.

Costs

(15) The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of council of a municipality, the municipality.
2. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of a local board, the local board.

23 Section 223.5 of the Act is amended by adding the following subsections:

Release of advice

(2.1) Advice provided by the Commissioner to a member under paragraph 5, 6 or 7 of subsection 223.3 (1) may be released with the member's written consent.

Partial release by member

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 5, 6 or 7 of subsection 223.3 (1), the Commissioner may release part or all of the advice without obtaining the member's consent.

Other circumstances

(2.3) The Commissioner may disclose such information as in the Commissioner's opinion is necessary,

- (a) for the purposes of a public meeting under subsection 223.4.1 (7);
- (b) in an application to a judge referred to in subsection 223.4.1 (12); or
- (c) in the written reasons given by the Commissioner under subsection 223.4.1 (14).

24 Section 223.8 of the Act is amended by striking out "of any other Act or" and substituting "of any other Act, other than the *Municipal Conflict of Interest Act*, or".

25 (1) Subsection 235 (1) of the Act is amended by striking out "December 1" and substituting "November 15".

(2) Section 235 of the Act is amended by adding the following subsection:

Transition

(1.1) Despite subsection (1), with respect to the 2018 regular election, the term of office of a person described in that subsection shall begin on December 1, 2018 and end on November 14, 2022.

26 (1) The definition of "meeting" in subsection 238 (1) of the Act is repealed and the following substituted:

"meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. ("réunion")

(2) Section 238 of the Act is amended by adding the following subsection:

Electronic participation

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-

law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.

(3) Section 238 of the Act is amended by adding the following subsection:

Same

~~(3.2) The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.~~

27 Subsection 239 (2) of the Act is amended by adding the following clauses:

- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

28 Section 239.2 of the Act is amended by adding the following subsection:

Requirement to pass resolution re report

~~(12) If a municipality or a local board receives a report under subsection (10), the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.~~

Requirement to pass resolution re report

(12) If a municipality or a local board receives a report from a person referred to in clause 239.1 (a) or (b) reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

29 Section 242 of the Act is amended by striking out “as the case may be” at the end and substituting “as the case may be, with respect to the role of presiding at meetings”.

30 (1) Subsection 255 (3) of the Act is amended by striking out “may, subject to the approval of the municipal auditor, establish” and substituting “may establish”.

(2) Subsection 255 (4) of the Act is amended by striking out “may, subject to the approval of the auditor of the local board, establish” and substituting “may establish”.

31. Section 259 of the Act is amended by adding the following subsection:

Exception

(1.1) Clause (1) (c) does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member.

32 The Act is amended by adding the following section before the heading “Policies”:

Temporary replacement, member of upper-tier council

268 (1) Subject to subsection (2), the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.

Limitation

~~(2) Subsection (1) does not authorize,~~

- ~~—(a) the appointment of more than one alternate member at any given time;~~
- ~~—(b) the appointment of an alternate member to act in place of an alternate member appointed under subsection 267 (1) or (2); or~~
- ~~—(c) the appointment of an alternate head of council of the upper tier municipality.~~

Limitation

(2) Subsection (1) does not authorize.

- (a) the appointment of more than one alternate member during the term of council;
- (b) the appointment of an alternate member to act in place of an alternate member appointed under subsection 267 (1) or (2); or
- (c) the appointment of an alternate head of council of the upper-tier municipality.

Other temporary replacement

(3) Despite clause (2) (a), if the seat of the member who has been appointed as an alternate member under subsection (1) becomes vacant, the council of a local municipality may appoint another of its members as an alternate member for the remainder of the council term.

33 Subsection 270 (1) of the Act is amended by adding the following paragraphs:

- 2.1 The relationship between members of council and the officers and employees of the municipality.
-
- 7. The manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.
- 8. Pregnancy leaves and parental leaves of members of council.

34 The Act is amended by adding the following section before the heading “Quashing By-laws”:

INTEGRATED PLANNING FOR SERVICE DELIVERY

Regulations re integration of planning for service delivery

271 The Minister may make regulations prescribing actions that municipalities must take which, in the opinion of the Minister, are necessary or desirable to support the integration of planning for municipal service delivery with planning for service delivery by other public bodies or by other persons.

35 Subsection 279 (2) of the Act is amended by striking out “in accordance with section 418” at the end and substituting “in accordance with section 418, even if section 418.1 applies to one or more of the municipalities”.

36 Clause 286 (1) (f) of the Act is repealed and the following substituted:

- (f) ensuring investments of the municipality are made in compliance with the regulations made under section 418, if applicable; and
- (g) complying with any requirements applicable to the treasurer under section 418.1.

37 Subsection 289 (5) of the Act is repealed.**38 Subsection 290 (5) of the Act is repealed.**

39 Section 294.1 of the Act is amended by striking out “Canadian Institute of Chartered Accountants” at the end and substituting “Chartered Professional Accountants of Canada”.

40 The definition of “payments in lieu of taxes” in section 306 of the Act is amended by striking out “subparagraph 24 ii” in the portion before clause (a) and substituting “subparagraph 24 iii”.

41 Section 310 of the Act is amended by striking out “February 28” wherever it appears and substituting in each case “the last day of February”.

42 Subsection 318 (17) of the Act is amended by striking out “subparagraph 24 ii” and substituting “subparagraph 24 iii”.

43 Section 341 of the Act is amended by adding the following subsection:**Same, refund to include credit**

(3) A local municipality may credit all or part of the amount of a tax refund owing under clause (2) (a) to an outstanding tax liability of the owner.

44 Section 343 of the Act is amended by adding the following subsection:**Electronic delivery**

(6.1) The treasurer may send a tax bill to the taxpayer electronically in the manner specified by the municipality, if the taxpayer has chosen to receive the tax bill in that manner.

45 Subsection 345 (9.1) of the Act is repealed.

46 Subsection 348 (1) of the Act is amended by striking out “February 28” and substituting “the last day of February”.

47 Section 349 of the Act is amended by adding the following subsection:

Taxes on escheated, etc. land

(2.1) For greater certainty, taxes that are levied or charges that are imposed under section 208 on the following land may not be recovered as a debt due to the municipality from the Crown:

1. Land that is vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation.
2. Land that belongs to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs.

48 (1) Subsection 353 (4.2) of the Act is repealed.

(2) Subsection 353 (6) of the Act is amended by striking out “Subsections (4), (4.1), (4.2) and (5)” at the beginning and substituting “Subsections (4), (4.1) and (5)”.

49 (1) Subsection 357 (3) of the Act is amended by striking out “February 28” and substituting “the last day of February”.

(2) Clause 357 (14) (a) of the Act is amended by striking out “February 28” and substituting “the last day of February”.

50 The Act is amended by adding the following section:

Cancellation, reduction, refund of payment in lieu of taxes

357.1 (1) Upon application to the treasurer of a local municipality made in accordance with this section, the local municipality may cancel, reduce or refund all or part of a payment in lieu of taxes in the year in respect of which the application is made in the circumstances described in subsection 357 (1), with necessary modifications.

Application

(2) An application under this section may only be made by the body responsible for making the payment in lieu of taxes.

Procedure

(3) Subsections 357 (3) to (12), (17) and (18) apply with necessary modifications to an application made under subsection (1).

Prorated charge backs

(4) If a local municipality has distributed any part of a payment in lieu of taxes to a body in accordance with a regulation made under section 322 for a year in respect of which an application is made under this section, the municipality shall charge back to every such body its proportionate share of the payment in lieu of taxes that is cancelled, reduced or refunded under this section.

Definition

(5) In this section,

“payment in lieu of taxes” means an amount that a local municipality is eligible to receive in lieu of taxes in a year in respect of real property that is exempt from taxation under the *Assessment Act*, where the amount is equal to the taxes for municipal or for municipal and school purposes that would have been payable in respect of that real property in that year if the real property had been taxable.

51 (1) Subsections 358 (1), (2) and (3) of the Act are repealed and the following substituted:

Overcharges

(1) Upon application to the treasurer of a local municipality made in accordance with this section, the local municipality may cancel, reduce or refund all or part of the taxes levied on land,

- (a) in one or both of the two years preceding the year in which the application is made for any overcharge caused by a gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property; or
- (b) in the year or years in respect of which an assessment is made under section 33 or 34 of the *Assessment Act* for any overcharge caused by a gross or manifest error in the preparation of the assessment that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property.

Application

- (2) An application may only be made by,
- (a) the owner of the land or by another person described in subsection 357 (2); or
 - (b) the treasurer of the local municipality.

Timing — error in assessment roll

(3) An application in respect of an error in the preparation of the assessment roll must be filed with the treasurer between March 1 and December 31 of a year and may apply to taxes levied for one or both of the two years preceding the year in which the application is made and the application shall indicate to which year or years it applies.

Timing — error in assessment under s. 33 or 34 of *Assessment Act*

(3.1) An application in respect of an error in the preparation of an assessment under section 33 or 34 of the *Assessment Act* must be filed with the treasurer on or before December 31 of the second year following the year in which the assessment was made and may apply to taxes levied for the year or years in respect of which the assessment was made and the application shall indicate to which year or years it applies.

(2) Subsection 358 (5) of the Act is amended by striking out “subsection (3)” in the portion before clause (a) and substituting “subsections (3) and (3.1)”.

52 Section 360 of the Act is amended by striking out “sections 357, 358 and 359” and substituting “sections 357, 357.1, 358 and 359”.

53 Subsection 361 (10.1) of the Act is amended by striking out “an appeal under section 40 of that Act or an application under section 46 of that Act” in the portion before paragraph 1 and substituting “an appeal under section 40 of that Act, an application under section 46 of that Act or a correction made under subsection 32 (1.1) of that Act”.

54 Section 365.3 of the Act is amended by striking out “an appeal under section 40 of that Act or an application under section 46 of that Act” and substituting “an appeal under section 40 of that Act, an application under section 46 of that Act or a correction made under subsection 32 (1.1) of that Act”.

55 (1) The definition of “cancellation price” in subsection 371 (1) of the Act is amended by striking out “under section 373” in the portion before clause (a) and substituting “under section 373 or 373.1”.

(2) The definition of “real property taxes” in subsection 371 (1) of the Act is amended by striking out “includes any amounts deemed to be taxes by or under any other Act” and substituting “includes any amounts deemed to be taxes by or under any Act”.

56 (1) Subsection 373 (1) of the Act is amended by striking out “in the third year” and substituting “in the second year”.

(2) Subsection 373 (2) of the Act is amended by striking out “A tax arrears certificate” at the beginning and substituting “A tax arrears certificate registered under this section”.

(3) Subsections 373 (3) to (3.2) of the Act are repealed and the following substituted:

Forfeited corporate land

(3) This section applies to land that is vested in ~~the Crown~~ [the Crown in right of Ontario](#) because of an escheat or forfeiture as a result of the dissolution of a corporation, whether the land vested before or after the registration of a tax arrears certificate, and that land may be sold under this Act for tax arrears.

Land that belongs to the Crown as a result of a death

(3.1) This section applies to land that belongs to ~~the Crown~~ [the Crown in right of Ontario](#) as a result of the death of an individual who did not have any lawful heirs, whether the death occurred before or after the registration of a tax arrears certificate, and that land may be sold under this Act for tax arrears.

57 The Act is amended by adding the following section:

Registration of tax arrears certificate for expedited sale of forfeited corporate land

373.1 (1) Where any part of tax arrears is owing with respect to land that is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation, the treasurer of the municipality, unless otherwise directed by the municipality, may prepare and register a tax arrears certificate against the title to that land.

Form

(2) A tax arrears certificate registered under this section shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within 90 days following the date of the registration of the tax arrears certificate.

Scope of certificate

(3) A tax arrears certificate shall not include more than one separately assessed parcel of land.

58 The Act is amended by adding the following section:**Limits on registration**

373.2 (1) No tax arrears certificate may be registered against title to land if,

- (a) an order cancelling encumbrances against the land under section 18 of the *Forfeited Corporate Property Act, 2015* is registered on title to the land;
- (b) a notice under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes, is registered on title to the land; or
- (c) a notice indicating that the Crown intends to use the land for Crown purposes is registered against land that belongs to the Crown as a result of the death of an individual who did not have any lawful heirs.

Exception, Minister's consent

(2) Clause (1) (a) does not apply if the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015* consents to the registration of the tax arrears certificate.

59 (1) Subsection 374 (1) of the Act is amended by striking out “Within 60 days after the registration of a tax arrears certificate” at the beginning and substituting “Within 60 days after the registration of a tax arrears certificate under section 373, or within 30 days after the registration of a tax arrears certificate under section 373.1”.

(2) Subsection 374 (1) of the Act is amended by adding the following paragraph:

- 6. The Public Guardian and Trustee, if the Public Guardian and Trustee has registered a notice or other document on title to the land.

60 (1) Subsection 375 (1) of the Act is repealed and the following substituted:

Cancellation of tax arrears certificate

(1) Before the expiry of the one-year period mentioned in subsection 379 (1), any person may have a tax arrears certificate that is registered under section 373 cancelled by paying to the municipality the cancellation price as of the date the payment is tendered.

Same, expedited sale of forfeited corporate land

(1.1) Before the expiry of the 90-day period mentioned in subsection 379 (2.0.1), any person may have a tax arrears certificate that is registered under section 373.1 cancelled by paying to the municipality the cancellation price as of the date the payment is tendered.

(2) Subsection 375 (2) of the Act is amended by striking out “under subsection (1)” and substituting “under subsection (1) or (1.1)”.

(3) Subsection 375 (3.1) of the Act is repealed and the following substituted:

Exception for certain land

(3.1) Subsection (3) does not apply to land that,

- (a) is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation; or
- (b) belongs to the Crown as a result of the death of an individual who did not have any lawful heirs.

61 Subsection 376 (1) of the Act is amended by striking out “before the expiry of the one-year period mentioned in subsection 379 (1)”.

62 (1) Subsection 378 (1) of the Act is repealed and the following substituted:

Extension agreements

(1) A municipality may, after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 379 (1), enter into an extension agreement, extending the period of time in which the cancellation price is to be paid, with any of the following persons:

- 1. Any owner of the land.
- 2. The spouse of any owner.
- 3. Any mortgagee.
- 4. Any tenant in occupation of the land.
- 5. Any person the treasurer is satisfied has an interest in the land.

Same, tax arrears certificate under s. 373.1

(1.1) Subject to subsection (1.2), a municipality may, after the registration of the tax arrears certificate and before the expiry of the 90-day period mentioned in subsection 379 (2.0.1), enter into an extension agreement extending the period of time in which the cancellation price is to be paid, with any of the following persons:

1. Any owner of the land.
2. The spouse of any owner.
3. Any mortgagee.
4. Any tenant in occupation of the land.
5. Any person the treasurer is satisfied has an interest in the land.

Same

(1.2) No agreement shall be entered into under subsection (1.1) unless the person who wishes to enter into the extension agreement with a municipality has obtained the consent of the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.

(2) Subsection 378 (4) of the Act is amended by striking out “the periods mentioned in subsection 379 (1)” at the end and substituting “a period mentioned in subsection 379 (1) or (2.0.1)”.

63 (1) Subsection 379 (1) of the Act is amended by striking out “280 days after the day the tax arrears certificate is registered” and substituting “280 days after the day the tax arrears certificate is registered under section 373”.

(2) Subsection 379 (2) of the Act is amended by striking out “at the end of the one-year period following the date of the registration of the tax arrears certificate” in the portion before clause (a) and substituting “at the end of the one-year period following the date of the registration of the tax arrears certificate registered under section 373”.

(3) Clause 379 (2) (b) of the Act is amended by striking out “once in *The Ontario Gazette* and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale or, if there is no such newspaper, post a notice in the municipal office and one other prominent place in the municipality” at the end and substituting “in accordance with the regulations”.

(4) Section 379 of the Act is amended by adding the following subsection:

Expedited public sale of forfeited corporate land

(2.0.1) If, at the end of the 90-day period following the date of the registration of the tax arrears certificate registered under section 373.1, the cancellation price remains unpaid and there is no subsisting extension agreement,

- (a) the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide; and
- (b) the treasurer shall immediately advertise the land for sale in accordance with the regulations.

(5) Clause 379 (7) (b) of the Act is repealed and the following substituted:

- (b) any estates and interests of the Crown in right of Canada or in right of Ontario, other than an estate or interest in land that,
 - (i) is vested in ~~the Crown~~ the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation, or
 - (ii) belongs to ~~the Crown~~ the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs;

64 (1) Clause 380 (1) (b) of the Act is repealed and the following substituted:

- (b) secondly, be paid to all persons having an interest in the land according to their priority at law, except the person who immediately before the registration of the tax deed was the owner of the land; and

(2) Subsection 380 (1.1) of the Act is repealed and the following substituted:

Same

(1.1) If land that is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation is sold under section 379, or if land that belongs to the Crown as a result of the death of an individual who did not have any lawful heirs is sold under section 379, the Crown shall not be excluded under clause (1) (b) in respect of interests that the Crown has in the land other than its ownership.

(3) Subsection 380 (2) of the Act is amended by striking out “outlining the facts under which the payment into court is made” at the end and substituting “outlining the facts under which the payment into court is made and the names and addresses of the persons to whom the statement will be sent under subsection (3)”.

(4) Subsection 380 (3) of the Act is repealed and the following substituted:**Notice of payment into court**

(3) Within 60 days after making a payment into court under subsection (2), the treasurer shall send a copy of the statement to the following persons:

1. The person who was the assessed owner of the land immediately before the registration of the tax deed.
2. Where the land is registered under the *Land Titles Act*, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land immediately before the registration of the tax deed, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b).
3. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land immediately before the registration of the tax deed, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b).
4. The Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.
5. The Public Guardian and Trustee.

(5) Section 380 of the Act is amended by adding the following subsections:**Same, spouse of owner**

(3.1) If a copy of the statement is sent under this section to a person appearing by the records of the land registry office to be the owner of the land, a copy of the statement shall also be sent to the spouse of that person, and, where this subsection is complied with, section 22 of the *Family Law Act* shall be deemed to have been complied with.

Same, limitation

(3.2) A person is not entitled to a copy of the statement under this section if,

- (a) after a reasonable search of the records mentioned in subsection 381 (1), the treasurer is unable to find the person's address and the treasurer is not otherwise aware of the address; or
- (b) the person has expressly waived the right to a copy of the statement, either before or after the copy of the statement should have been sent.

(6) Subsections 380 (4) to (9) of the Act are repealed and the following substituted:**Payment out of court**

(4) Any person claiming entitlement under clause (1) (b) or (c) may apply to the Superior Court of Justice for payment out of court of the amount to which the person is entitled.

Same

(5) An application under subsection (4) may only be made within 10 years after the payment into court under subsection (2); however, the application may not be made earlier than 90 days after the payment into court.

Notice of application

(6) The applicant under subsection (4) shall serve the notice of application on the persons referred to in subsection (3).

Judgment

(7) On application under subsection (4), the court shall determine all of the entitlements to receive payments out of the proceeds of sale.

Forfeiture

(8) If no person makes an application under subsection (4) within 10 years after the payment into court under subsection (2), the amount paid into court, together with accrued interest, is deemed to be forfeited to the Crown in right of Ontario, and the Public Guardian and Trustee may be paid that amount in the name of the Crown on filing a written request for payment out of court with the Accountant of the Superior Court of Justice in the form provided by the Accountant.

Same

(9) If, after the court determines entitlements under subsection (7), there remains any amount paid into court 10 years after the payment into court under subsection (2), the remaining amount, together with accrued interest, is deemed to be forfeited to the Crown in right of Ontario, and the Public Guardian and Trustee may be paid that amount in the name of the Crown on filing a written request for payment out of court with the Accountant of the Superior Court of Justice in the form provided by the Accountant.

No further proceeding

(10) No proceeding shall be commenced in respect of any amount paid to the Public Guardian and Trustee under subsection (8) or (9). For greater certainty, this subsection does not prevent a person from making a petition for a grant, waiver or release under section 3 of the *Escheats Act, 2015*.

65 (1) Subsection 380.1 (2) of the Act is amended by striking out “subsection 379 (1)” and substituting “section 374”.

(2) Subsection 380.1 (3) of the Act is repealed and the following substituted:

Application of provisions

(3) Subsection 379 (2), clause 379 (2.0.1) (b), subsections 379 (2.1) to (16) and sections 380 to 387 apply with necessary modifications to the sale as if it were the first public sale.

66 Subsection 384 (1) of the Act is amended by striking out “sections 373, 379 and 383” and substituting “sections 373, 373.1, 379 and 383”.

67 Subsection 386.1 (1) of the Act is amended by striking out “under subsection 379 (2)” and substituting “under subsection 379 (2) or (2.0.1)”.

68 Subsection 387 (2) of the Act is amended by adding the following clause:

(c) governing advertising under clause 379 (2) (b) and clause 379 (2.0.1) (b).

69 The Act is amended by adding the following section:

Transition, certificate registered before this section comes into force

388.2 If, before the day this section comes into force, a tax arrears certificate is registered in respect of land, this Part as it read immediately before the coming into force of this section applies in respect of the proceedings or other steps that may be taken as a result of the registration of that certificate.

70 Paragraph 1 of subsection 398 (2) of the Act is repealed and the following substituted:

1. In the case of fees and charges for the supply of a service or thing to a property, the property to which the service or thing was supplied.

71 Section 410 of the Act is amended by adding the following subsection:

Application

(2) This section does not apply to a municipality if section 418.1 applies to the municipality.

72 Section 418 of the Act is amended by adding the following subsection:

Application

(1.1) This section does not apply to a municipality if section 418.1 applies to the municipality.

73 The Act is amended by adding the following section:

Prudent investment

418.1 (1) A municipality may, in accordance with this section and the regulations, invest money that it does not require immediately in any security.

Municipality may pass by-law

(2) A municipality may pass a by-law to have this section apply to the municipality.

Requirements on passing by-law

(3) A municipality may only pass a by-law under subsection (2) if the municipality satisfies the requirements prescribed for the purposes of this subsection on the day the municipality passes the by-law.

When section applies

(4) If a municipality passes a by-law under subsection (2), this section applies to the municipality as of the effective date set out in the by-law.

By-law not revocable

(5) A by-law passed under subsection (2) cannot be revoked.

Section continues to apply

(6) This section continues to apply to a municipality regardless of whether the municipality continues to satisfy the requirements prescribed for the purposes of subsection (3).

When section no longer applies

(7) Despite subsections (4) and (6), this section no longer applies to a municipality if a regulation under clause (16) (d) is made in respect of the municipality.

Duty

(8) In investing money under this section, a municipality must exercise the care, skill, diligence and judgment that a prudent investor would exercise in making such an investment.

Same

(9) The duty under subsection (8) includes a duty to obtain the advice that a prudent investor would obtain under comparable circumstances.

Criteria

(10) The municipality must consider the following criteria in planning investments, in addition to any other criteria that are relevant to the circumstances:

1. General economic conditions.
2. The possible effect of inflation or deflation.
3. The role that each investment or course of action plays within the municipality's portfolio of investments.
4. The expected total return from income and the appreciation of capital.
5. Needs for liquidity, regularity of income and preservation or appreciation of capital.

Diversification

(11) The municipality must diversify its investments to an extent that is appropriate to general economic and investment market conditions.

Interpretation, money not immediately required

(12) In this section, money that the municipality does not require immediately includes,

- (a) money in a sinking, retirement or reserve fund;
- (b) money raised or received for the payment of a debt of the municipality or interest on the debt; and
- (c) proceeds from the sale, loan or investment of any debentures.

Repayment

(13) Any earnings derived from an investment under this section shall be credited to the fund from which the money was invested.

Combined investments

(14) A municipality may combine money held in any fund and deal with the money in accordance with this section and the regulations.

Allocation

(15) Earnings from combined investments shall be credited to each separate fund in proportion to the amount invested from it.

Regulations

(16) The Lieutenant Governor in Council may make regulations,

- (a) prescribing requirements for the purposes of subsection (3);
- (b) governing the investment of money by a municipality under this section, including prescribing rules, conditions and procedures for or in relation to the investment of money under this section;
- (c) providing for transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the application of this section to the municipality;
- (d) providing that this section no longer applies to a municipality, and prescribing transitional rules that apply to the municipality.

Group of municipalities

(17) A regulation made under clause (16) (b) may prescribe special rules, conditions and procedures for or in relation to the investment of money by two or more municipalities, acting as a group, under this section, including restrictions and

transitional rules that apply in circumstances where a municipality enters into an investment arrangement with a group or withdraws from an investment arrangement with a group.

Transitional regulation under s. (16) (c)

(18) A regulation made under clause (16) (c) may provide that it applies in respect of the period after a municipality has passed a by-law under subsection (2) and before the effective date set out in the by-law.

74 (1) Clause 420 (1) (c) of the Act is amended by striking out “under section 5 of the *Ministry of Training, Colleges and Universities Act*” at the end and substituting “under the *Ontario Colleges of Applied Arts and Technology Act, 2002*”.

(2) Section 420 of the Act is amended by adding the following subsection:

Application

(1.1) This section does not apply to a municipality if section 418.1 applies to the municipality.

75 Section 421 of the Act is amended by adding the following subsection:

Loan of securities, where s. 418.1 applies

(1.1) This section does not apply to a municipality if section 418.1 applies to the municipality.

76 The Act is amended by adding the following sections before the heading “Powers of Entry”:

Administrative penalties

434.1 (1) Without limiting sections 9, 10 and 11, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act.

Purpose of administrative penalties

(2) The purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with its by-laws.

Monetary limit

(3) The amount of an administrative penalty established by a municipality,

- (a) shall not be punitive in nature; and
- (b) shall not exceed the amount reasonably required to promote compliance with a by-law of the municipality.

Effect on offences

(4) If a person is required by a municipality to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention.

Regulations

(5) The Minister may make regulations providing for any matters which, in the Minister’s opinion, are necessary or desirable for the purposes of this section, including,

- (a) granting a municipality powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
- (b) imposing conditions and limitations on a municipality’s powers with respect to administrative penalties.

Debt

434.2 (1) An administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality.

Amount owing added to tax roll

(2) If an administrative penalty imposed under section 434.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes.

77 The Act is amended by adding the following section:

Authority to establish limitation period re s. 223.9 or 223.10

434.3 (1) A municipality may pass a by-law providing that no proceeding in respect of an offence under a by-law relating to a matter described in section 223.9 or 223.10 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Transition

(2) A by-law passed under subsection (1) does not apply if the subject-matter of the proceeding arose more than six months before the day the by-law is passed.

78 Subsection 436 (3) of the Act is repealed and the following substituted:

Samples

(3) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample.

79 (1) Subsection 447 (6) of the Act is amended by striking out “the Crown” and substituting “the municipality that passed the licensing by-law in respect of which a closing order was made”.

(2) Subsection 447 (9) of the Act is amended by striking out “subsection (8)” and substituting “subsections (6) and (8)”.

80 Section 447.6 of the Act is amended by adding the following subsections:

Prescribed records

(3.1) A copy of any prescribed record purporting to have been made under this Act or under a by-law made under this Act and purporting to be certified by a prescribed person may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the signature or official character of the person signing it, unless the court or tribunal otherwise directs.

Statements, other than licensing status

(4.1) In any prosecution or proceeding under this Act or under a by-law made under this Act, a statement as to a prescribed matter purporting to be signed by a prescribed person is, without proof of the office or signature of the person, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the prosecution or proceeding.

Regulations

(9) The Minister may make regulations prescribing anything referred to in subsections (3.1) and (4.1) as being prescribed.

81 Clause 453 (1) (c) of the Act is amended by striking out “the *Municipal Statute Law Amendment Act, 2002* or the *Municipal Statute Law Amendment Act, 2006*” and substituting “the *Municipal Statute Law Amendment Act, 2002*, the *Municipal Statute Law Amendment Act, 2006* or the *Modernizing Ontario’s Municipal Legislation Act, 2017*”.

82 The Act is amended by adding the following section to Part XVII.1:

Land deemed to be rateable property

474.11 (1) For the purposes of this Act, land that would have been rateable property if it had not vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation is deemed to be rateable property for the period that begins on the day on which the land is escheated or forfeited and that ends on the day a notice is registered on title to the land under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes.

Same

(2) For the purposes of this Act, land that would have been rateable property if it did not belong to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs is deemed to be rateable property for the period that begins on the day on which the land becomes the property of the Crown and that ends on the day a notice is registered on title to the land indicating that the Crown intends to use the property for Crown purposes.

Non-application of the *Municipal Tax Assistance Act*

(3) The *Municipal Tax Assistance Act* does not apply to land that is deemed to be rateable property under this section.

Transition

(4) If land described in subsection (1) is vested in the Crown in right of Ontario before this section comes into force, this section applies in respect of that land as if it had been in force on the day the land became vested in the Crown.

Same

(5) If land described in subsection (2) became the property of the Crown in right of Ontario before this section comes into force, this section applies in respect of that land as if it had been in force on the day the land became the property of the Crown.

83 Subsection 474.15 (1) of the Act is amended by striking out “and the Town of Tillsonburg” at the end.

Commencement

84 (1) Subject to subsections (2), (3) and (4), this Schedule comes into force on the day the *Modernizing Ontario’s Municipal Legislation Act, 2017* receives Royal Assent.

(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:

- 1. Sections 8, 18, 19, ~~20~~ to 24, 26, 27, 28, 32, 33, 35 and 36.**
- 2. Subsection 55 (1).**
- 3. Sections 57, 59 to 69, 71, 72 and 73.**
- 4. Subsection 74 (2).**
- 5. Section 75.**

(3) Sections 56 and 58 come into force on the later of December 10, 2016 and the day the *Modernizing Ontario’s Municipal Legislation Act, 2017* receives Royal Assent.

(4) Sections 14, 15 and 16 come into force on the later of January 1, 2018 and the day the *Modernizing Ontario’s Municipal Legislation Act, 2017* receives Royal Assent.

**SCHEDULE 2
AMENDMENTS TO THE CITY OF TORONTO ACT, 2006**

1 Paragraph 5 of subsection 8 (2) of the *City of Toronto Act, 2006* is repealed and the following substituted:

5. Economic, social and environmental well-being of the City, including respecting climate change.

2 The Act is amended by adding the following section before the heading “Regulations”:

Community councils

24.1 (1) Without limiting sections 7 and 8, those sections authorize the City to establish one or more community councils which are responsible for,

- (a) exercising the powers and duties that have been delegated to the community council by the City with respect to matters relating to all or part of the City; and
- (b) performing the functions assigned to the community council by the City with respect to matters relating to all or part of the City, which may include the function of making recommendations to council on any matter, such as the budget.

Composition of community council

(2) A community council may include,

- (a) a council committee; or
- (b) a body having at least two members that is composed of,
 - (i) one or more members of council,
 - (ii) individuals appointed by council, or
 - (iii) a combination of individuals described in subclauses (i) and (ii).

3 Section 27 of the Act is amended by striking out “subsection 12 (4)” at the end and substituting “subsection 12 (5)”.

4 Subsection 42 (6) of the Act is amended by striking out “written notice of the claim and of the injury complained of has been served” in the portion before clause (a) and substituting “written notice of the claim and of the injury complained of, including the date, time and location of the occurrence, has been served”.

5 (1) Subsection 86 (1) of the Act is amended by adding “and” at the end of clause (e), by striking out “and” at the end of clause (f) and by repealing clause (g).

(2) Subsection 86 (4) of the Act is amended,

- (a) by striking out “under clause (1) (b), (d), (e) or (g)” in the portion before clause (a) and substituting “under clause (1), (b), (d) or (e)”; and
- (b) by striking out “in the case of a power under clause (1) (b), (d) or (e)” at the beginning of clause (b).

6 The Act is amended by adding the following section:

Entry on land re maintenance, repairs or alterations

101.1 (1) The City may enter on land adjoining land owned or occupied by the City, at any reasonable time, for the purpose of maintaining or making repairs or alterations to the land owned or occupied by the City but only to the extent necessary to carry out the maintenance, repairs or alterations.

Restriction re buildings

(2) Nothing in this section authorizes entry into a building.

7 Subsection 105 (5) of the Act is repealed.

8 The Act is amended by adding the following section before the heading “Animals”:

Energy planning

105.3 (1) Without limiting sections 7 and 8, the City may provide for or participate in ~~long-term planning for energy use~~ [long-term energy planning](#) in the City.

Interpretation

(2) ~~Long-term planning for energy use~~ [Long-term energy planning](#) referred to in subsection (1) may include consideration of energy conservation, climate change, and green energy.

9 The Act is amended by adding the following section:

Environmental standards; construction of buildings

108.1 (1) Without limiting sections 7 and 8, those sections authorize the City to pass a by-law respecting the protection or conservation of the environment that requires buildings to be constructed in accordance with provisions of the building code under the *Building Code Act, 1992* that are prescribed under that Act, subject to such conditions and limits as may be prescribed under that Act.

Conflict

(2) Despite section 35 of the *Building Code Act, 1992*, if there is a conflict between that Act or the building code under that Act and a by-law to which this section applies, that Act or the building code prevails.

10 Section 108.1 of the Act, as enacted by section 9, is amended by adding the following subsections:

Green roofs or alternative roof surfaces

(3) Without limiting sections 7 and 8, the power described in subsection (1) includes the power to require the construction of green roofs or of alternative roof surfaces that achieve similar levels of performance to green roofs.

Definition

(4) For the purposes of subsection (3),

“green roof” means a roof surface that supports the growth of vegetation over a substantial portion of its area for the purpose of water conservation or energy conservation.

11 Subsection 110 (1) of the Act is repealed and the following substituted:

Advertising devices

(1) This subsection, as it read on the day before section 11 of Schedule 2 to the *Modernizing Ontario’s Municipal Legislation Act, 2017* came into force, continues to apply to by-laws passed on or before that day.

12 Section 111 of the Act is amended by adding the following subsection:

Agreements

(2.1) If a condition referred to in clause (2) (c) requires an owner of land to which a by-law passed under this section applies to enter into an agreement with the City, the City may,

- (a) register the agreement against the title to the land to which it applies; and
- (b) enforce the agreement against the owner and any subsequent owners of the land.

13 Section 115 of the Act is amended by adding the following subsections:

Dissolution of appeal body

(21.1) Subject to subsections (21.2) and (21.3), the Minister may by order dissolve the appeal body.

Rules re dissolution order

(21.2) If the Minister makes an order under subsection (21.1), the following rules apply:

1. In respect of an appeal that is made to the appeal body on or before the date the order is made and for which a hearing before the appeal body has not begun on or before that date, the appeal shall be heard by the Ontario Municipal Board and the appeal body shall forward to the Board all information and material in its possession that relates to any such appeal.
2. The appeal body shall continue to hear an appeal for which a hearing has begun on or before the date of the order.
3. An appeal under a provision listed in subsection (5) shall be made to the Ontario Municipal Board.

Effective date of order under subs. (21.1)

(21.3) An order made under subsection (21.1) shall take effect on the following:

1. If there are no appeals referred to in subsection (21.2) before the appeal body, the date on which the order is made.
2. If there are one or more appeals referred to in subsection (21.2) before the appeal body, the day on which the appeal body has finally disposed of all of those appeals.

Not regulation

(21.4) An order of the Minister under subsection (21.1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

14 (1) Clause 145 (3) (f) of the Act is repealed.

(2) Section 145 of the Act is amended by adding the following subsection:

Restriction re appeal body under s. 115

(4) Despite subsection (1), the City shall not, in accordance with that subsection, dissolve an appeal body established under section 115.

15 Subsection 157 (3) of the Act is repealed and the following substituted:**No offence or administrative penalty**

(3) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence or is required to pay an administrative penalty.

Regulations

(4) The Minister may make regulations prescribing one or more subject matters that the City is required to include in a code of conduct.

16 (1) Subsection 159 (1) of the Act is repealed and the following substituted:**Integrity Commissioner**

(1) The Commissioner is responsible for performing in an independent manner the functions assigned by city council with respect to all of the following:

1. The application of the code of conduct for members of city council and the code of conduct for members of local boards (restricted definition).
2. The application of any procedures, rules and policies of the City and local boards (restricted definition) governing the ethical behaviour of members of city council and of local boards.
- ~~3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of city council or of local boards (restricted definition).~~
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of city council and of local boards (restricted definition).
- ~~4. The conducting of, on the Commissioner's own initiative, inquiries about whether a member of city council or of a local board (restricted definition) has contravened the code of conduct applicable to the member or has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.~~
5. Requests from members of city council and of local boards (restricted definition) for advice respecting their obligations under the code of conduct applicable to the member.
6. Requests from members of city council and of local boards (restricted definition) for advice respecting their obligations under a procedure, rule or policy of the City or of the local board (restricted definition), as the case may be, governing the ethical behaviour of members.
7. Requests from members of city council and of local boards (restricted definition) for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
8. The provision of educational information to members of city council, members of local boards (restricted definition), the City and the public about the codes of conduct for members of city council and members of local boards (restricted definition) and about the *Municipal Conflict of Interest Act*.

(2) Section 159 of the Act is amended by adding the following subsections:**Request for advice shall be in writing**

(2.1) A request by a member of city council or of a local board (restricted definition) for advice from the Commissioner under paragraph 5, 6 or 7 of subsection (1) shall be made in writing.

Advice shall be in writing

(2.2) If the Commissioner provides advice to a member of city council or of a local board (restricted definition) under paragraph 5, 6 or 7 of subsection (1), the advice shall be in writing.

Content of educational information

(2.3) If the Commissioner provides educational information to the public under paragraph 8 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned.

(3) Section 159 of the Act is amended by adding the following subsections:**Indemnity**

(5) The City shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an

act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority.

Interpretation

(6) For greater certainty, nothing in this section affects the application of section 391 with respect to a proceeding referred to in subsection (5) of this section.

17 Subsection 160 (1) of the Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

—(c) on the Commissioner’s own initiative about whether a member of city council or of a local board (restricted definition) has contravened the code of conduct applicable to the member.

17 Section 160 of the Act is amended by adding the following subsections:

Termination of inquiry when regular election begins

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

Other rules that apply during regular election

(9) The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. There shall be no requests for an inquiry about whether a member of council or of a local board (restricted definition) has contravened the code of conduct applicable to the member.
2. The Commissioner shall not report to the City council or local board (restricted definition) about whether, in his or her opinion, a member of council or of a local board (restricted definition) has contravened the code of conduct applicable to the member.
3. The City council or local board (restricted definition) shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board (restricted definition).

18 The Act is amended by adding the following section:

Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act*

160.1 (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of an application under subsection (2); or
- (b) on the Commissioner’s own initiative about whether a member of city council or of a local board (restricted definition) has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

Application

(2) Any person may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a member of city council or a member of a local board (restricted definition).

Timing

(3) An application may only be made within six weeks after the applicant became aware of the alleged contravention.

Content of application

(4) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application.

Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act*

160.1 (1) This section applies if the Commissioner conducts an inquiry under this Part in respect of an application under subsection (2).

Application

(2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of city council or a member of a local board (restricted definition).

No application for inquiry during regular election

(2.1) No application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

Timing

(3) An application may only be made within six weeks after the applicant became aware of the alleged contravention.

Exception

(3.1) Despite subsection (3), an application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

1. The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
2. The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

Content of application

(4) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where an applicant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection (3.1), a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time.

Notice re inquiry on Commissioner's own initiative

~~(5) If the Commissioner decides to conduct an inquiry on his or her own initiative, the Commissioner shall publish a notice of the inquiry.~~

Inquiry

(6) The Commissioner may conduct such inquiry as he or she considers necessary.

Public meeting

(7) If the Commissioner decides to conduct an inquiry, the Commissioner may have a public meeting to discuss the inquiry.

Powers on inquiry

(8) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry.

Information

(9) The City and its local boards (restricted definition) shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry.

Same

(10) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City or a local board (restricted definition) that the Commissioner believes to be necessary for an inquiry.

Termination of inquiry when regular election begins

(10.1) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day.

Same

(10.2) If an inquiry is terminated under subsection (10.1), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the member or former member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out.

Timing

~~(11) The Commissioner shall complete the inquiry,~~

- ~~— (a) within 180 days after receiving the completed application, if the inquiry is in respect of an application under subsection (2); or~~
- ~~— (b) within 180 days after the date the notice is published under subsection (5), if the inquiry is conducted on the Commissioner's own initiative.~~

Timing

(11) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (10.1).

Completion

(12) Upon completion of the inquiry, the Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act.

~~Notice to applicant re decision not to apply to judge~~

~~(13) In the case of an inquiry conducted in respect of an application under subsection (2), the Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge.~~

Notice to applicant re decision not to apply to judge

(13) The Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge.

Reasons after inquiry

(14) After deciding whether or not to apply to a judge, the Commissioner shall publish ~~brief~~ written reasons for the decision.

Costs

(15) The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of city council, the City.
2. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of a local board (restrictive definition), the local board.

19 Section 161 of the Act is amended by adding the following subsections:**Release of advice**

(2.1) Advice provided by the Commissioner to a member under paragraph 5, 6 or 7 of subsection 159 (1) may be released with the member's written consent.

Partial release by member

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 5, 6 or 7 of subsection 159 (1), the Commissioner may release part or all of the advice without obtaining the member's consent.

Other circumstances

(2.3) The Commissioner may disclose such information as in the Commissioner's opinion is necessary,

- (a) for the purposes of a public meeting under subsection 160.1 (7);
- (b) in an application to a judge referred to in subsection 160.1 (12); or
- (c) in the written reasons given by the Commissioner under subsection 160.1 (14).

20 Section 164 of the Act is amended by striking out "of any other Act or" and substituting "of any other Act, other than the *Municipal Conflict of Interest Act*, or".

21 (1) The definition of "meeting" in subsection 189 (1) of the Act is repealed and the following substituted:

"meeting" means any regular, special or other meeting of city council, of the local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. ("réunion")

(2) Subsection 189 (4) of the Act is repealed and the following substituted:

Electronic participation

(4) The applicable procedure by-law may provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.

(3) Section 189 of the Act is amended by adding the following subsection:

Same

(4.1) The applicable procedure by-law shall not provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting which is closed to the public.

22 Subsection 190 (2) of the Act is amended by striking out “or” at the end of clause (f) and by adding the following clauses:

- (h) information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board.

23 Section 190.2 of the Act is amended by adding the following subsection:

Requirement to pass resolution re report

~~(11.1) If the City or a local board receives a report under subsection (10), the City or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.~~

Requirement to pass resolution re report

(11.1) If the City or a local board of the City receives a report from a person referred to in clause 190.1 (1) (a) or (b) reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 190 or to a procedure by-law under subsection 189 (2), the City or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

24 Section 193 of the Act is amended by striking out “as the case may be” at the end and substituting “as the case may be, with respect to the role of presiding at meetings”.

25 (1) Subsection 201 (3) of the Act is amended by striking out “may, subject to the approval of the City auditor, establish” and substituting “may establish”.

(2) Subsection 201 (4) of the Act is amended by striking out “may, subject to the approval of the auditor of the local board, establish” and substituting “may establish”.

26 Section 204 of the Act is amended by adding the following subsection:

Exception

(2) Clause (1) (c) does not apply to vacate the office of a member of city council who is absent for 20 consecutive weeks or less and if the absence is a result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member.

27 Subsection 212 (1) of the Act is amended by adding the following paragraphs:

2.1 The relationship between members of council and the officers and employees of the City.

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9. The manner in which the City will protect and enhance the tree canopy and natural vegetation in the City.

10. Pregnancy leaves and parental leaves of members of city council.

28 The Act is amended by adding the following section before the heading “Quashing By-laws”:

INTEGRATED PLANNING FOR SERVICE DELIVERY

Regulations re integration of planning for service delivery

212.1 The Minister may make regulations prescribing actions that the City must take which, in the opinion of the Minister, are necessary or desirable to support the integration of planning for municipal service delivery with planning for service delivery by other public bodies or by other persons.

29 Subsection 228 (6) of the Act is repealed.

30 Section 231 of the Act is amended by striking out “Canadian Institute of Chartered Accountants” at the end and substituting “Chartered Professional Accountants of Canada”.

31 Paragraph 1 of subsection 264 (2) of the Act is repealed and the following substituted:

1. In the case of fees and charges for the supply of a service or thing to a property, the property to which the service or thing was supplied.

32 The definition of “payments in lieu of taxes” in section 273 of the Act is amended by striking out “subparagraph 24 ii” in the portion before clause (a) and substituting “subparagraph 24 iii”.

33 Subsection 282 (13) of the Act is amended by striking out “subparagraph 24 ii” and substituting “subparagraph 24 iii”.

34 Section 306 of the Act is amended by adding the following subsection:

Same, refund to include credit

(3) The City may credit all or part of the amount of a tax refund owing under clause (2) (a) to an outstanding tax liability of the owner.

35 Section 308 of the Act is amended by adding the following subsection:

Electronic delivery

(6.1) The treasurer may send a tax bill to the taxpayer electronically in the manner specified by the City, if the taxpayer has chosen to receive the tax bill in that manner.

36 Subsection 310 (10) of the Act is repealed.

37 Subsection 313 (1) of the Act is amended by striking out “February 28” and substituting “the last day of February”.

38 Section 314 of the Act is amended by adding the following subsection:

Taxes on escheated, etc. land

(2.1) For greater certainty, taxes that are levied or charges that are imposed on the following land under section 208 of the *Municipal Act, 2001*, by virtue of the operation of subsection 429 (2) of this Act, may not be recovered as a debt due to the City from the Crown:

1. Land that is vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation.
2. Land that belongs to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs.

39 (1) Subsection 318 (4.2) of the Act is repealed.

(2) Subsection 318 (6) of the Act is amended by striking out “Subsections (4), (4.1), (4.2) and (5)” at the beginning and substituting “Subsections (4), (4.1) and (5)”.

40 (1) Subsection 323 (3) of the Act is amended by striking out “February 28” and substituting “the last day of February”.

(2) Clause 323 (14) (a) of the Act is amended by striking out “February 28” and substituting “the last day of February”.

41 The Act is amended by adding the following section:

Cancellation, reduction, refund of payment in lieu of taxes

324 (1) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of a payment in lieu of taxes in the year in respect of which the application is made in the circumstances described in subsection 323 (1), with necessary modifications.

Application

(2) An application under this section may only be made by the body responsible for making the payment in lieu of taxes.

Procedure

(3) Subsections 323 (3) to (12), (17) and (18) apply with necessary modifications to an application made under subsection (1).

Prorated charge backs

(4) If the City has distributed any part of a payment in lieu of taxes to a body in accordance with a regulation made under section 284 for a year in respect of which an application is made under this section, the City shall charge back to every such body its proportionate share of the payment in lieu of taxes that is cancelled, reduced or refunded under this section.

Definition

(5) In this section,

“payment in lieu of taxes” means an amount that the City is eligible to receive in lieu of taxes in a year in respect of real property that is exempt from taxation under the *Assessment Act*, where the amount is equal to the taxes for municipal or for municipal and school purposes that would have been payable in respect of that real property in that year if the real property had been taxable.

42 (1) Subsections 325 (1), (2) and (3) of the Act are repealed and the following substituted:

Overcharges

(1) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of the taxes levied on land,

- (a) in one or both of the two years preceding the year in which the application is made for any overcharge caused by a gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property; or
- (b) in the year or years in respect of which an assessment is made under section 33 or 34 of the *Assessment Act* for any overcharge caused by a gross or manifest error in the preparation of the assessment that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property.

Application

(2) An application may only be made by,

- (a) the owner of the land or by another person described in subsection 323 (2); or
- (b) the city treasurer.

Timing — error in assessment roll

(3) An application in respect of an error in the preparation of the assessment roll must be filed with the treasurer between March 1 and December 31 of a year and may apply to taxes levied for one or both of the two years preceding the year in which the application is made and the application shall indicate to which year or years it applies.

Timing — error in assessment under s. 33 or 34 of *Assessment Act*

(3.1) An application in respect of an error in the preparation of an assessment under section 33 or 34 of the *Assessment Act* must be filed with the treasurer on or before December 31 of the second year following the year in which the assessment was made and may apply to taxes levied for the year or years in respect of which the assessment was made and the application shall indicate to which year or years it applies.

(2) Subsection 325 (5) of the Act is amended by striking out “subsection (3)” in the portion before clause (a) and substituting “subsections (3) and (3.1)”.

43 Section 328 of the Act is amended by striking out “sections 323, 325 and 326” and substituting “sections 323, 324, 325 and 326”.

44 Subsection 329 (10) of the Act is amended by striking out “an appeal under section 40 of that Act or an application under section 46 of that Act” in the portion before paragraph 1 and substituting “an appeal under section 40 of that Act, an application under section 46 of that Act or a correction made under subsection 32 (1.1) of that Act”.

45 Section 335 of the Act is amended by striking out “an appeal under section 40 of that Act or an application under section 46 of that Act” and substituting “an appeal under section 40 of that Act, an application under section 46 of that Act or a correction made under subsection 32 (1.1) of that Act”.

46 (1) The definition of “cancellation price” in subsection 343 (1) of the Act is amended by striking out “under section 344” in the portion before clause (a) and substituting “under section 344 or 344.1”.

(2) The definition of “real property taxes” in subsection 343 (1) of the Act is amended by striking out “includes any amounts deemed to be taxes by or under any other Act” and substituting “includes any amounts deemed to be taxes by or under any Act”.

47 (1) Subsection 344 (1) of the Act is amended by striking out “in the third year” and substituting “in the second year”.

(2) Subsection 344 (2) of the Act is amended by striking out “A tax arrears certificate” at the beginning and substituting “A tax arrears certificate registered under this section”.

(3) Subsections 344 (3) to (3.2) of the Act are repealed and the following substituted:

Forfeited corporate land

(3) This section applies to land that is vested in ~~the Crown~~ [the Crown in right of Ontario](#) because of an escheat or forfeiture as a result of the dissolution of a corporation, whether the land vested before or after the registration of a tax arrears certificate, and that land may be sold under this Act for tax arrears.

Land that belongs to the Crown as a result of a death

(3.1) This section applies to land that belongs to ~~the Crown~~ [the Crown in right of Ontario](#) as a result of the death of an individual who did not have any lawful heirs, whether the death occurred before or after the registration of a tax arrears certificate, and that land may be sold under this Act for tax arrears.

48 The Act is amended by adding the following section:

Registration of tax arrears certificate for expedited sale of forfeited corporate land

344.1 (1) Where any part of tax arrears is owing with respect to land that is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation, the treasurer of the City, unless otherwise directed by the City, may prepare and register a tax arrears certificate against the title to that land.

Form

(2) A tax arrears certificate registered under this section shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within 90 days following the date of the registration of the tax arrears certificate.

Scope of certificate

(3) A tax arrears certificate shall not include more than one separately assessed parcel of land.

49 The Act is amended by adding the following section:

Limits on registration

344.2 (1) No tax arrears certificate may be registered against title to land if,

- (a) an order cancelling encumbrances against the land under section 18 of the *Forfeited Corporate Property Act, 2015* is registered on title to the land;
- (b) a notice under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes, is registered on title to the land; or
- (c) a notice indicating that the Crown intends to use the land for Crown purposes is registered against land that belongs to the Crown as a result of the death of an individual who did not have any lawful heirs.

Exception, Minister’s consent

(2) Clause (1) (a) does not apply if the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015* consents to the registration of the tax arrears certificate.

50 (1) Subsection 345 (1) of the Act is amended by striking out “Within 60 days after the registration of a tax arrears certificate” at the beginning and substituting “Within 60 days after the registration of a tax arrears certificate under section 344, or within 30 days after the registration of a tax arrears certificate under section 344.1”.

(2) Subsection 345 (1) of the Act is amended by adding the following paragraph:

- 6. The Public Guardian and Trustee, if the Public Guardian and Trustee has registered a notice or other document on title to the land.

51 (1) Subsection 346 (1) of the Act is repealed and the following substituted:

Cancellation of tax arrears certificate

(1) Before the expiry of the one-year period mentioned in subsection 350 (1), any person may have a tax arrears certificate that is registered under section 344 cancelled by paying to the City the cancellation price as of the date the payment is tendered.

Same, expedited sale of forfeited corporate land

(1.1) Before the expiry of the 90-day period mentioned in subsection 350 (2.0.1), any person may have a tax arrears certificate that is registered under section 344.1 cancelled by paying to the City the cancellation price as of the date the payment is tendered.

(2) Subsection 346 (2) of the Act is amended by striking out “under subsection (1)” and substituting “under subsection (1) or (1.1)”.

(3) Subsection 346 (6) of the Act is repealed and the following substituted:

Exception for certain land

(6) Subsection (3) does not apply to land that,

- (a) is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation; or
- (b) belongs to the Crown as a result of the death of an individual who did not have any lawful heirs.

52 Subsection 347 (1) of the Act is amended by striking out “before the expiry of the one-year period mentioned in subsection 350 (1)”.

53 (1) Subsection 349 (1) of the Act is repealed and the following substituted:

Extension agreements

(1) The City may, after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 350 (1), enter into an extension agreement, extending the period of time in which the cancellation price is to be paid, with any of the following persons:

- 1. Any owner of the land.
- 2. The spouse of any owner.
- 3. Any mortgagee.
- 4. Any tenant in occupation of the land.
- 5. Any person the treasurer is satisfied has an interest in the land.

Same, tax arrears certificate under s. 344.1

(1.1) Subject to subsection (1.2), the City may, after the registration of the tax arrears certificate and before the expiry of the 90-day period mentioned in subsection 350 (2.0.1), enter into an extension agreement extending the period of time in which the cancellation price is to be paid, with any of the following persons:

- 1. Any owner of the land.
- 2. The spouse of any owner.
- 3. Any mortgagee.
- 4. Any tenant in occupation of the land.
- 5. Any person the treasurer is satisfied has an interest in the land.

Same

(1.2) No agreement shall be entered into under subsection (1.1) unless the person who wishes to enter into the extension agreement with the City has obtained the consent of the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.

(2) Subsection 349 (4) of the Act is amended by striking out “the periods mentioned in subsection 350 (1)” at the end and substituting “a period mentioned in subsection 350 (1) or (2.0.1)”.

54 (1) Subsection 350 (1) of the Act is amended by striking out “280 days after the day the tax arrears certificate is registered” and substituting “280 days after the day the tax arrears certificate is registered under section 344”.

(2) Subsection 350 (2) of the Act is amended by striking out “at the end of the one-year period following the date of the registration of the tax arrears certificate” in the portion before clause (a) and substituting “at the end of the one-year period following the date of the registration of the tax arrears certificate registered under section 344”.

(3) Clause 350 (2) (b) of the Act is amended by striking out “once in *The Ontario Gazette* and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the City as to provide reasonable notice of the sale” at the end and substituting “in accordance with the regulations”.

(4) Section 350 of the Act is amended by adding the following subsection:

Expedited public sale of forfeited corporate land

(2.0.1) If, at the end of the 90-day period following the date of the registration of the tax arrears certificate registered under section 344.1, the cancellation price remains unpaid and there is no subsisting extension agreement,

- (a) the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide; and
- (b) the treasurer shall immediately advertise the land for sale in accordance with the regulations.

(5) Clause 350 (7) (b) of the Act is repealed and the following substituted:

- (b) any estates and interests of the Crown in right of Canada or in right of Ontario, other than an estate or interest in land that,
 - (i) is vested in ~~the Crown~~ the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation, or
 - (ii) belongs to ~~the Crown~~ the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs;

55 (1) Clause 351 (1) (b) of the Act is repealed and the following substituted:

- (b) secondly, be paid to all persons having an interest in the land according to their priority at law, except the person who immediately before the registration of the tax deed was the owner of the land; and

(2) Subsection 351 (1.1) of the Act is repealed and the following substituted:

Same

(1.1) If land that is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation is sold under section 350, or if land that belongs to the Crown as a result of the death of an individual who did not have any lawful heirs is sold under section 350, the Crown shall not be excluded under clause (1) (b) in respect of interests that the Crown has in the land other than its ownership.

(3) Subsection 351 (2) of the Act is amended by striking out “outlining the facts under which the payment into court is made” at the end and substituting “outlining the facts under which the payment into court is made and the names and addresses of the persons to whom the statement will be sent under subsection (3)”.

(4) Subsection 351 (3) of the Act is repealed and the following substituted:

Notice of payment into court

(3) Within 60 days after making a payment into court under subsection (2), the treasurer shall send a copy of the statement to the following persons:

1. The person who was the assessed owner of the land immediately before the registration of the tax deed.
2. Where the land is registered under the *Land Titles Act*, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land immediately before the registration of the tax deed, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
3. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land immediately before the registration of the tax deed, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
4. The Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.
5. The Public Guardian and Trustee.

(5) Section 351 of the Act is amended by adding the following subsections:

Same, spouse of owner

(3.1) If a copy of the statement is sent under this section to a person appearing by the records of the land registry office to be the owner of the land, a copy of the statement shall also be sent to the spouse of that person, and, where this subsection is complied with, section 22 of the *Family Law Act* shall be deemed to have been complied with.

Same, limitation

(3.2) A person is not entitled to a copy of the statement under this section if,

- (a) after a reasonable search of the records mentioned in subsection 352 (1), the treasurer is unable to find the person’s address and the treasurer is not otherwise aware of the address; or
- (b) the person has expressly waived the right to a copy of the statement, either before or after the copy of the statement should have been sent.

(6) Subsections 351 (4) to (9) of the Act are repealed and the following substituted:

Payment out of court

(4) Any person claiming entitlement under clause (1) (b) or (c) may apply to the Superior Court of Justice for payment out of court of the amount to which the person is entitled.

Same

(5) An application under subsection (4) may only be made within 10 years after the payment into court under subsection (2); however, the application may not be made earlier than 90 days after the payment into court.

Notice of application

(6) The applicant under subsection (4) shall serve the notice of application on the persons referred to in subsection (3).

Judgment

(7) On application under subsection (4), the court shall determine all of the entitlements to receive payments out of the proceeds of sale.

Forfeiture

(8) If no person makes an application under subsection (4) within 10 years after the payment into court under subsection (2), the amount paid into court, together with accrued interest, is deemed to be forfeited to the Crown in right of Ontario, and the Public Guardian and Trustee may be paid that amount in the name of the Crown on filing a written request for payment out of court with the Accountant of the Superior Court of Justice in the form provided by the Accountant.

Same

(9) If, after the court determines entitlements under subsection (7), there remains any amount paid into court 10 years after the payment into court under subsection (2), the remaining amount, together with accrued interest, is deemed to be forfeited to the Crown in right of Ontario, and the Public Guardian and Trustee may be paid that amount in the name of the Crown on filing a written request for payment out of court with the Accountant of the Superior Court of Justice in the form provided by the Accountant.

No further proceeding

(10) No proceeding shall be commenced in respect of any amount paid to the Public Guardian and Trustee under subsection (8) or (9). For greater certainty, this subsection does not prevent a person from making a petition for a grant, waiver or release under section 3 of the *Escheats Act, 2015*.

56 (1) Subsection 351.1 (2) of the Act is amended by striking out “subsection 350 (1)” and substituting “section 345”.

(2) Subsection 351.1 (3) of the Act is repealed and the following substituted:

Application of provisions

(3) Subsection 350 (2), clause 350 (2.0.1) (b), subsections 350 (2.1) to (16) and sections 351 to 363 apply with necessary modifications to the sale as if it were the first public sale.

57 Subsection 355 (1) of the Act is amended by striking out “sections 344, 350 and 354” and substituting “sections 344, 344.1, 350 and 354”.

58 Subsection 358 (1) of the Act is amended by striking out “under subsection 350 (2)” and substituting “under subsection 350 (2) or (2.0.1)”.

59 Subsection 363 (2) of the Act is amended by adding the following clause:

(c) governing advertising under clause 350 (2) (b) and clause 350 (2.0.1) (b).

60 The Act is amended by adding the following section:

Transition, certificate registered before this section comes into force

364.2 If, before the day this section comes into force, a tax arrears certificate is registered in respect of land, this Part as it read immediately before the coming into force of this section applies in respect of the proceedings or other steps that may be taken as a result of the registration of that certificate.

61 The Act is amended by adding the following sections before the heading “Powers of Entry”:

Administrative penalties

374.1 (1) Without limiting sections 7 and 8, the City may require a person, subject to such conditions as the City considers appropriate, to pay an administrative penalty if the City is satisfied that the person has failed to comply with a by-law of the City passed under this Act.

Purpose of administrative penalties

(2) The purpose of a system of administrative penalties established by the City under this section shall be to assist the City in promoting compliance with its by-laws.

Monetary limit

- (3) The amount of an administrative penalty established by the City,
- (a) shall not be punitive in nature; and
 - (b) shall not exceed the amount reasonably required to promote compliance with a by-law of the City.

Effect on offences

- (4) If a person is required by the City to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention.

Regulations

- (5) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section, including,
- (a) granting the City powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
 - (b) imposing conditions and limitations on the City's powers with respect to administrative penalties.

Debt

- 374.2** (1) An administrative penalty imposed by the City on a person under section 374.1 constitutes a debt of the person to the City.

Amount owing added to tax roll

- (2) If an administrative penalty imposed under section 374.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of the City may add the administrative penalty to the tax roll for any property in the City for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes.

62 The Act is amended by adding the following section:**Authority to establish limitation period re s. 166 or 167**

- 374.3** (1) The City may pass a by-law providing that no proceeding in respect of an offence under a by-law relating to a matter described in section 166 or 167 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Transition

- (2) A by-law passed under subsection (1) does not apply if the subject-matter of the proceeding arose more than six months before the day the by-law is passed.

63 Subsection 376 (3) of the Act is repealed and the following substituted:**Samples**

- (3) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,
- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
 - (b) it is technically feasible to divide the sample.

64 (1) Subsection 387 (6) of the Act is amended by striking out “the Crown” and substituting “the City”.

- (2) **Subsection 387 (9) of the Act is amended by striking out “subsection (8)” and substituting “subsections (6) and (8)”.**

65 Subsection 406 (4) of the Act is repealed.**66 Subsection 411 (5) of the Act is repealed.****67 Part XIX of the Act is amended by adding the following section:**

RATEABLE PROPERTY

Land deemed to be rateable property

- 432.1** (1) For the purposes of this Act, land that would have been rateable property if it had not vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation is deemed to be rateable property for the period that begins on the day on which the land is escheated or forfeited and that ends on the day a notice is registered on title to the land under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes.

Same

(2) For the purposes of this Act, land that would have been rateable property if it did not belong to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs is deemed to be rateable property for the period that begins on the day on which the land becomes the property of the Crown and that ends on the day a notice is registered on title to the land indicating that the Crown intends to use the property for Crown purposes.

Non-application of the *Municipal Tax Assistance Act*

(3) The *Municipal Tax Assistance Act* does not apply to land that is deemed to be rateable property under this section.

Transition

(4) If land described in subsection (1) is vested in the Crown in right of Ontario before this section comes into force, this section applies in respect of that land as if it had been in force on the day the land became vested in the Crown.

Same

(5) If land described in subsection (2) became the property of the Crown in right of Ontario before this section comes into force, this section applies in respect of that land as if it had been in force on the day the land became the property of the Crown.

68 Section 453.1 of the Act is amended by adding the following subsection:

Same, existing housing

(16.1) The City may, regardless of whether a by-law under section 34 of the *Planning Act* prescribing the matters set out in subsection (2) is in effect, enter into an agreement with the owner of land that contains housing accommodation to be used for the purposes of a social housing program, and the agreement may contain provisions respecting the maintenance of the accommodation and such other terms as are agreed between the owner and the City and subsections (4), (5), (6), (7), (8), (9) and (13) apply to the agreement.

69 Section 455 of the Act is amended by adding the following subsections:

Prescribed records

(3.1) A copy of any prescribed record purporting to have been made under this Act or under a by-law made under this Act and purporting to be certified by a prescribed person may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the signature or official character of the person signing it, unless the court or tribunal otherwise directs.

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Statements, other than licensing status

(4.1) In any prosecution or proceeding under this Act or under a by-law made under this Act, a statement as to a prescribed matter purporting to be signed by a prescribed person is, without proof of the office or signature of the person, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the prosecution or proceeding.

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Regulations

(10) The Minister may make regulations prescribing anything referred to in subsections (3.1) and (4.1) as being prescribed.

Commencement

70 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Modernizing Ontario's Municipal Legislation Act, 2017* receives Royal Assent.

(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:

- 1. Sections 10, 15 to 23 and 27.**
- 2. Subsection 46 (1).**
- 3. Sections 48 and 50 to 60.**

(3) Sections 47 and 49 come into force on the later of December 10, 2016 and the day the *Modernizing Ontario's Municipal Legislation Act, 2017* receives Royal Assent.

**SCHEDULE 3
AMENDMENTS TO THE MUNICIPAL CONFLICT OF INTEREST ACT**

1 The *Municipal Conflict of Interest Act* is amended by adding the following section:

Principles

1.1 The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interests of members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

2 Section 4 of the Act is amended by striking out “Section 5 does not” at the beginning of the portion before clause (a) and substituting “Sections 5 and 5.2 do not”.

3 Section 5 of the Act is amended by adding the following subsection:

Exception, consideration of penalty

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

4 The Act is amended by adding the following sections before the heading “Record of Disclosure”:

Written statement re disclosure

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be.

Influence

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

Exception

(2) However, if a municipality delegates a power to suspend the remuneration paid to a member under subsection 223.4 (5) of the *Municipal Act, 2001* or subsection 160 (5) of the *City of Toronto Act, 2006* to a person or body, and the person or body is considering exercising that power with respect to a member, subsection (1) of this section does not prevent the member from attempting to influence any decision or recommendation of the person or body that results from consideration of the matter.

5 The Act is amended by adding the following section:

REGISTRY

Requirement to establish registry

6.1 (1) Every municipality and local board shall establish and maintain a registry in which shall be kept,

- (a) a copy of each statement filed under section 5.1; and
- (b) a copy of each declaration recorded under section 6.

Access to registry

(2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

6 Subsection 7 (3) of the Act is amended by striking out “section 5” and substituting “section 5, 5.1 or 5.2”.

7 Sections 8, 9 and 10 of the Act are repealed and the following substituted:

Application

8 (1) ~~Any person~~ An elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest may apply to a judge for a determination of the question of whether,

- (a) a member has contravened section 5, 5.1 or 5.2; or
- (b) a former member contravened section 5, 5.1 or 5.2 while he or she was a member.

Six-week period

(2) An application may only be made within six weeks after the applicant became aware of the alleged contravention.

Exception

(3) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if all of the following conditions are satisfied:

- ~~1. The applicant applied to an Integrity Commissioner for an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* within six weeks after the applicant became aware of the alleged contravention.~~
- 1. The applicant applied to an Integrity Commissioner for an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* in accordance with those sections.
- ~~2. The Integrity Commissioner conducted an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* and the Commissioner,~~
 - ~~i. has advised the applicant under subsection 223.4.1 (13) of the *Municipal Act, 2001* or under subsection 160.1 (13) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge, or~~
 - ~~ii. has not completed the inquiry within the time limit set out in clause 223.4.1 (11) (a) of the *Municipal Act, 2001* or clause 160.1 (11) (a) of the *City of Toronto Act, 2006*.~~
- 2. The Integrity Commissioner conducted an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* and the Commissioner,
 - i. has advised the applicant under subsection 223.4.1 (13) of the *Municipal Act, 2001* or under subsection 160.1 (13) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
 - ii. has not completed the inquiry within the time limit set out in subsection 223.4.1 (11) of the *Municipal Act, 2001* or subsection 160.1 (11) of the *City of Toronto Act, 2006*, or
 - iii. has terminated the inquiry under subsection 223.4.1 (10.1) of the *Municipal Act, 2001* or subsection 160.1 (10.1) of the *City of Toronto Act, 2006*.
- 3. The application under this section includes a copy of the applicant’s statutory declaration made under subsection 223.4.1 (4) of the *Municipal Act, 2001* or under subsection 160.1 (4) of the *City of Toronto Act, 2006*.
- ~~4. The application under this section is made within six weeks after the earlier of the following,~~
 - ~~i. the day the Commissioner advised the applicant under subsection 223.4.1 (13) of the *Municipal Act, 2001* or under subsection 160.1 (13) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge, and~~
 - ~~ii. the last day on which the Commissioner is required under clause 223.4.1 (11) (a) of the *Municipal Act, 2001* or clause 160.1 (11) (a) of the *City of Toronto Act, 2006* to complete the inquiry referred to in paragraph 2 of this subsection.~~
- 4. The application under this section is made within six weeks after the earlier of the following,
 - i. the day the Commissioner advised the applicant under subsection 223.4.1 (13) of the *Municipal Act, 2001* or under subsection 160.1 (13) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
 - ii. the last day on which the Commissioner is required under subsection 223.4.1 (11) of the *Municipal Act, 2001* or subsection 160.1 (11) of the *City of Toronto Act, 2006* to complete the inquiry referred to in paragraph 2 of this subsection, and

iii. the day the inquiry was terminated under subsection 223.4.1 (10.1) of the *Municipal Act, 2001* or subsection 160.1 (10.1) of the *City of Toronto Act, 2006*.

Same, application by Integrity Commissioner

(4) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if the applicant is an Integrity Commissioner and if the application relates to an inquiry conducted by the Commissioner under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006*.

No application by Integrity Commissioner during regular election

(4.1) No application shall be made by an Integrity Commissioner of a municipality during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

Limitation

(5) Despite subsections (2), (3) and (4), no application shall be made after the sixth anniversary of the alleged contravention.

Contents of notice of application

(6) The notice of application shall state the grounds for finding that the member or former member contravened section 5, 5.1 or 5.2.

Power of judge

9 (1) If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be.

Same

(2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,

- (a) took reasonable measures to prevent the contravention;
- (b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* and acted in accordance with the advice, if any, provided to the member by the Commissioner; or
- (c) committed the contravention through inadvertence or by reason of an error in judgment made in good faith.

8 Subsection 11 (1) of the Act is amended by striking out "section 10" and substituting "section 9".

9 Sections 12 and 13 of the Act are repealed and the following substituted:

Proceedings not invalidated but voidable

12 (1) A member's failure to comply with section 5, 5.1 or 5.2 does not invalidate any proceedings in respect of a matter referred to in those sections, but those proceedings are voidable in the circumstances described in subsection (2).

Declaring proceedings void

(2) Subject to subsection (3), if a member has failed to comply with section 5, 5.1 or 5.2 in respect of a matter referred to in those sections, the municipality or local board, as the case may be, may declare the proceedings to be void before the second anniversary of the date of the passing of the by-law or resolution authorizing the matter.

Exception

(3) Subsection (2) does not apply if declaring the proceedings to be void would adversely affect the rights that any person who acted in good faith and without actual notice of the failure to comply with section 5, 5.1 or 5.2 acquired under or by virtue of the proceedings.

Other proceedings prohibited

13 (1) A proceeding that relates to a member's or former member's alleged conflict of interest and seeks a remedy described in subsection 9 (1) shall be brought only under this Act.

Same

(2) Subsection (1) does not affect the power of a municipality or a local board to reprimand a member or suspend a member's remuneration under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*.

10 (1) **Subsection 14 (1) of the Act is amended by striking out "section 5" and substituting "section 5, 5.1 or 5.2" in the portion after clause (c).**

(2) Subsection 14 (3) of the Act is repealed and the following substituted:

Surplus funds

(3) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with subsection 279 (2) of the *Municipal Act, 2001* or subsection 218 (3) of the *City of Toronto Act, 2006*, as the case may be.

Commencement

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

**SCHEDULE 4
AMENDMENTS TO OTHER ACTS**

BUILDING CODE ACT, 1992

1 Subsection 34 (1) of the *Building Code Act, 1992* is amended by adding the following paragraphs:

- 39.4 prescribing provisions of the building code for the purposes of section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*;
- 39.5 prescribing conditions and limits for the purposes of section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*;

DEVELOPMENT CHARGES ACT, 1997

2 Subsection 37 (1) of the *Development Charges Act, 1997* is amended by striking out “Subsections 417 (2), (3) and (4) and 418 (3) and (4) of the *Municipal Act, 2001*” at the beginning and substituting “Subsections 418 (3) and (4) and 418.1 (14) and (15) of the *Municipal Act, 2001*”.

EDUCATION ACT

3 (0.1) Subsection 170 (1) of the *Education Act* is amended by adding the following paragraph:

policy

17.3 adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of the board;

(0.2) Section 228 of the Act is amended by adding the following subsection:

Exception: pregnancy or parental leave

(2.1) Clause (1) (b) does not apply to vacate the office of a member of a board who is absent for 20 consecutive weeks or less if the absence is a result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member.

~~3~~(1) Section 240 of the *Education Act* is amended by adding the following subsection:

Interpretation, taxable property

(1.1) For the purposes of subsection (1), taxable property is property that is rateable property for the purposes of the *Municipal Act, 2001*.

(2) Subsection 257.6 (1) of the Act is repealed and the following substituted:

Property taxable for school purposes

(1) The following is taxable for school purposes:

1. Except as otherwise provided under this or any other Act, real property that is liable to assessment and taxation under the *Assessment Act*.
2. Real property that would have been liable to assessment and taxation under the *Assessment Act* if it had not vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation, for the period that begins on the day on which the real property is escheated or forfeited and that ends on the day a notice is registered on title to the real property under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes.
3. Real property that would have been liable to assessment and taxation under the *Assessment Act* if it did not belong to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs, for the period that begins on the day on which the real property becomes the property of the Crown and that ends on the day a notice is registered on title to the real property indicating that the Crown intends to use the property for Crown purposes.

Transition

(1.1) If real property described in paragraph 2 of subsection (1) is vested in the Crown in right of Ontario before subsection 3 (2) of Schedule 4 to the *Modernizing Ontario’s Municipal Legislation Act, 2017* comes into force, subsection (1), as re-enacted by subsection 3 (2) of Schedule 4 to the *Modernizing Ontario’s Municipal Legislation Act, 2017*, applies in respect of that real property as if it had been in force on the day the real property became vested in the Crown.

Same

(1.2) If real property described in paragraph 3 of subsection (1) became the property of the Crown in right of Ontario before subsection 3 (2) of Schedule 4 to the *Modernizing Ontario’s Municipal Legislation Act, 2017* comes into force, subsection (1), as re-enacted by subsection 3 (2) of Schedule 4 to the *Modernizing Ontario’s Municipal Legislation Act, 2017*, applies in respect of that real property as if it had been in force on the day the real property became the property of the Crown.

(3) Section 257.17 of the Act is amended by adding the following paragraphs:

5. The assessment of real property that would have been rateable under paragraph 2 or 4 if it had not vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation, for the period that begins on the day on which the real property is escheated or forfeited and that ends on the day a notice is registered on title to the real property under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes.
6. The assessment of real property that would have been rateable under paragraph 1 or 3 if it did not belong to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs, for the period that begins on the day on which the real property becomes property of the Crown and that ends on the day a notice is registered on title to the real property indicating that the Crown intends to use the property for Crown purposes.

(4) Section 257.17 of the Act is amended by adding the following subsections:**Transition**

(2) If real property described in paragraph 5 of subsection (1) is vested in the Crown in right of Ontario before subsection 3 (3) of Schedule 4 to the *Modernizing Ontario's Municipal Legislation Act, 2017* comes into force, subsection (1) applies in respect of that real property as if paragraph 5 of that subsection had been in force on the day the real property became vested in the Crown.

Same

(3) If real property described in paragraph 6 of subsection (1) became the property of the Crown in right of Ontario before subsection 3 (3) of Schedule 4 to the *Modernizing Ontario's Municipal Legislation Act, 2017* comes into force, subsection (1) applies in respect of that real property as if paragraph 6 of that subsection had been in force on the day the real property became the property of the Crown.

FORFEITED CORPORATE PROPERTY ACT, 2015

4 Subsection 24 (8) of the *Forfeited Corporate Property Act, 2015* is amended by striking out “section 373 of the *Municipal Act, 2001* or section 344 of the *City of Toronto Act, 2006*” in the portion before clause (a) and substituting “section 373 or 373.1 of the *Municipal Act, 2001* or section 344 or 344.1 of the *City of Toronto Act, 2006*”.

HEALTH PROTECTION AND PROMOTION ACT

5 Subsection 49 (8) of the *Health Protection and Promotion Act* is amended by striking out “subsection 259 (1) of the *Municipal Act, 2001*” and substituting “section 259 of the *Municipal Act, 2001*”.

HUMMINGBIRD PERFORMING ARTS CENTRE CORPORATION ACT, 1998

6 The *Hummingbird Performing Arts Centre Corporation Act, 1998* is repealed.

LIMITATIONS ACT, 2002

7 The Schedule to the *Limitations Act, 2002* is amended by striking out “subsections 9 (1) and (3)” under the column heading “Provision” opposite “Municipal Conflict of Interest Act” under the column heading “Act” and substituting “subsections 8 (2) and (5)”.

MUNICIPAL ELECTIONS ACT, 1996

8 (1) Subsection 6 (1) of the *Municipal Elections Act, 1996* is amended by striking out “December 1” and substituting “November 15”.

(1.1) Section 6 of the Act is amended by adding the following subsection:**Transition**

(1.1) Despite subsection (1), with respect to the 2018 regular election, the term of all offices to which this Act applies shall begin on December 1, 2018 and end on November 14, 2022.

(1.2) Subsection 6 (2) of the Act is amended by striking out “Subsection (1) prevails” at the beginning and substituting “Subsections (1) and (1.1) prevail”.

(1.3) Subsection 33 (1.1) of the Act is amended by adding at the beginning “Subject to subsection (1.4)”.

(1.4) Section 33 of the Act is amended by adding the following subsections:

Exception, number of electors

(1.4) Subsection (1.1) does not apply to a nomination in a municipality in which the number of electors who were eligible to vote in the previous regular election in the municipality is less than the prescribed number.

Same

(1.5) For the purposes of subsection (1.4), the number of electors who were eligible to vote shall be the number determined from the voters' list from the previous regular election as it existed at the close of voting on voting day.

(1.5) Clause 33 (2) (a.1) of the Act is amended by adding "that must be endorsed by at least 25 persons" after "on a council".

(2) The Act is amended by adding the following section:

Certificate, permitted amount of contributions to a candidate's own campaign

33.0.2 (1) Upon the filing of a person's nomination, the clerk shall calculate the applicable maximum amount for the purposes of subsection 88.9.1 (1), as of the filing date, using the number of electors referred to in paragraph 1 of subsection 88.9.1 (2), and shall give the person, or the agent filing the nomination for the person, a certificate of the applicable maximum amount as of the filing date.

Calculation final

(2) The clerk's calculation is final.

(3) Subsection 88.9 (1) of the Act is amended by striking out "\$750" and substituting "\$1,200".

(4) Subsection 88.9 (2) of the Act is amended by striking out "\$750" at the end and substituting "\$1,200".

(5) The Act is amended by adding the following section:

Maximum contributions to a candidate's own election campaign

88.9.1 (1) A candidate for an office on a council and his or her spouse shall not make contributions to the candidate's own election campaign that, combined, exceed an amount equal to the lesser of,

- (a) the amount calculated by adding,
 - (i) in the case of a candidate for the office of head of council of a municipality, \$7,500 plus 20 cents for each elector entitled to vote for the office, or
 - (ii) in the case of a candidate for an office on a council of a municipality other than the office of head of council, \$5,000 plus 20 cents for each elector entitled to vote for the office; and
- (b) \$25,000.

Number of electors, regular election

(2) For the purposes of subsection (1), for a regular election the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.
2. The number determined from the voters' list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day.

Same, by-election

(3) For the purposes of subsection (1), for a by-election the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.
2. The number determined from the voters' list for the by-election, as it exists after the clerk has made corrections under subparagraph 4 iii of subsection 65 (4).

Certificate of maximum amounts

(4) The clerk shall calculate the maximum amounts permitted by subsection (1) for each office for which nominations were filed with him or her and, subject to subsection (5), give a certificate of the applicable maximum amounts to each candidate,

- (a) in the case of a regular election, on or before September 25; and
- (b) in the case of a by-election, within 10 days after the clerk makes the corrections under subparagraph 4 iii of subsection 65 (4).

Exception

(5) If the applicable maximum amount for a candidate under subsection (1) is \$25,000, the clerk is not required to give a certificate of the applicable maximum amount to that candidate under subsection (4).

Calculation final

(6) The clerk's calculation is final.

Transition

(7) For the 2018 regular election and for any by-election that takes place after this section comes into force and before that regular election, the maximum amount determined under subsection (1) shall be determined as if paragraph 1 of subsection (2) read as follows:

1. The number determined from the voters' list from the previous election, as it existed on nomination day of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.

(6) Section 88.9.1 of the Act, as enacted by subsection (5), is amended by adding the following subsection:

Non-application of s. 88.34

(8) Section 88.34 does not apply to contributions made by a candidate for an office on a council or his or her spouse to the candidate's own election campaign.

(7) Subsection 88.13 (1) of the Act is amended by striking out "\$750" and substituting "\$1,200".

(8) Subclause 88.22 (1) (r) (i) of the Act is amended by striking out "\$750" and substituting "\$1,200".

(9) Subparagraph 4 ii of subsection 88.24 (1) of the Act is amended by striking out "60th day" and substituting "45th day".

(10) Subparagraph 5 v of subsection 88.24 (1) of the Act is amended by striking out "60th day" and substituting "45th day".

(11) Subclause 88.26 (1) (r) (i) of the Act is amended by striking out "\$750" and substituting "\$1,200".

(12) Subparagraph 3 ii of section 88.28 of the Act is amended by striking out "60th day" and substituting "45th day".

(13) Subparagraph 4 iv of section 88.28 of the Act is amended by striking out "60th day" and substituting "45th day".

(14) Subsection 94.2 (1) of the Act is amended by striking out "December 1" and substituting "November 15".

(14.1) Section 94.2 of the Act is amended by adding the following subsection:

Transition

(1.1) Despite subsection (1), no prosecution for an offence under this Act in relation to the 2014 regular election shall be commenced after December 1, 2018.

(15) Subsection 94.2 (2) of the Act is amended by striking out "December 1" and substituting "November 15".

(16) Section 94.2 of the Act is amended by adding the following subsection:

Transition

(2.1) Despite subsection (2), no prosecution for an offence under this Act in relation to a by-election held after the 2014 regular election and before the 2018 regular election shall be commenced after December 1, 2018.

MUNICIPAL EXTRA-TERRITORIAL TAX ACT

9 (1) Subsection 9 (3) of the *Municipal Extra-Territorial Tax Act* is amended by striking out "section 373" and substituting "section 373 or 373.1".

(2) Clause 9 (10) (b) of the Act is repealed and the following substituted:

- (b) secondly, be paid to all persons having an interest in the land according to their priority at law, except the person who immediately before the registration of the tax deed was the owner of the land; and

NORTHERN SERVICES BOARDS ACT

10 Subsection 42 (2) of the *Northern Services Boards Act* is amended by striking out "as defined in the *Municipal Act, 2001*" at the end and substituting "that invests under section 418 of the *Municipal Act, 2001*".

PLANNING ACT

11 (1) Section 2 of the *Planning Act* is amended by adding the following clause:

- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

(2) Section 8.1 of the Act is amended by adding the following subsections:

Dissolution of local appeal body

(23.1) Subject to subsections (23.2) and (23.3), the Minister may by order dissolve the local appeal body.

Rules re dissolution order

(23.2) If the Minister makes an order under subsection (23.1), the following rules apply:

1. In respect of an appeal that is made to the local appeal body on or before the date the order is made and for which a hearing before the local appeal body has not begun on or before that date, the appeal shall be heard by the Municipal Board and the local appeal body shall forward to the Board all information and material in its possession that relates to any such appeal.
2. The local appeal body shall continue to hear an appeal for which a hearing has begun on or before the date of the order.
3. An appeal under a provision listed in subsection (6) shall be made to the Municipal Board.

Effective date of order under subs. (23.1)

(23.3) An order made under subsection (23.1) shall take effect on the following:

1. If there are no appeals referred to in subsection (23.2) before the local appeal body, the date on which the order is made.
2. If there are one or more appeals referred to in subsection (23.2) before the local appeal body, the day on which the local appeal body has finally disposed of all of those appeals.

Not regulation

(23.4) An order of the Minister under subsection (23.1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

PUBLIC INQUIRIES ACT, 2009

12 (1) Clause 34 (2) (a) of the *Public Inquiries Act, 2009* is amended by striking out “subsections 160 (2) and 169 (2) of the *City of Toronto Act, 2006*” at the end and substituting “subsections 160 (2), 160.1 (8) and 169 (2) of the *City of Toronto Act, 2006*”.

(2) Clause 34 (2) (c) of the Act is amended by striking out “subsections 223.4 (2) and 223.12 (2) of the *Municipal Act, 2001*” at the end and substituting “subsections 223.4 (2), 223.4.1 (8) and 223.12 (2) of the *Municipal Act, 2001*”.

PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

13 Subsection 33 (4) of the *Public Transportation and Highway Improvement Act* is amended by striking out “unless notice in writing of the claim and of the injury complained of has been served” and substituting “unless notice in writing of the claim and of the injury complained of, including the date, time and location of the happening of the injury, has been served”.

REGIONAL MUNICIPALITY OF PEEL ACT, 2005

14 (1) Subsection 1 (9) of the *Regional Municipality of Peel Act, 2005* is repealed.

(2) Section 3 of the Act is amended by striking out “if the necessary regulation were made under subsection 218 (6) of that Act” at the end.

COMMENCEMENT

Commencement

15 (1) Subject to subsections (2), (3) and (4), this Schedule comes into force on the day the *Modernizing Ontario’s Municipal Legislation Act, 2017* receives Royal Assent.

(2) Sections 2, 4, 7, 9, 10 and 12 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 14 comes into force on the later of January 1, 2018 and the day the *Modernizing Ontario’s Municipal Legislation Act, 2017* receives Royal Assent.

(4) ~~Subsections 8 (6), (7), (11), (12) and (13)~~ Subsections 8 (1.3), (1.4), (1.5), (6), (7), (11), (12) and (13) come into force on the later of April 1, 2018 and the day the *Modernizing Ontario’s Municipal Legislation Act, 2017* receives Royal Assent.