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Bill 31

An Act to implement Budget measures and to enact and amend various statutes

The Hon. C. Sousa
Minister of Finance

Government Bill

1st Reading March 28, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 ASSESSMENT ACT

The Schedule amends the *Assessment Act*.

The Minister's powers to make regulations are expanded to include powers with respect to the procedure for determining whether land is in an optional property class or optional property subclass. They are also expanded to allow regulations to enable municipalities to specify individual properties that are in property classes or property subclasses.

A new property tax exemption is provided for land that is used as a non-profit child care centre in a location that would be exempt if it were occupied by the land's owner.

New rules are set out to clarify the interaction between the *Assessment Act* and the *Municipal Tax Assistance Act* with respect to crown lands that have tenants.

Starting after 2020, the day as of which land is valued for each general reassessment is changed to January 1 of the year that precedes by two years the first taxation year to which the reassessment applies.

Annual statements by railway companies are required to show such other information related to the operation or use of the railway as may be prescribed.

SCHEDULE 2 CITY OF TORONTO ACT, 2006

Currently, section 135 of the *City of Toronto Act, 2006* governs by-laws that change the composition of city council. Clause 135 (4) (b) prevents such a by-law that is passed in the year of a regular election before voting day from coming into force until after the second regular election following the passage of the by-law. Section 135 is amended to permit a by-law that is passed on or after January 1, 2018 and on or before June 30, 2018 to, if it so provides, come into force as early as the day the new council is organized after the 2018 regular election. If such a by-law is passed, a determination by the Superior Court of Justice shall not be made under subsection 83 (1) of the *Municipal Elections Act, 1996* by reason only of the clerk of the City doing anything, before the by-law is passed, in relation to the conduct of the 2018 regular election as if the by-law were or were not already in effect.

SCHEDULE 3 CLIMATE CHANGE MITIGATION AND LOW-CARBON ECONOMY ACT, 2016

The Schedule amends the *Climate Change Mitigation and Low-carbon Economy Act, 2016* with respect to reimbursement of expenditures incurred by the Crown for the purposes of funding initiatives that are reasonably likely to reduce, or support the reduction of, greenhouse gas.

Currently, the Act provides that certain expenditures that were incurred by the Crown on or after November 1, 2015 and before the Act came into force can be reimbursed from the Consolidated Revenue Fund and charged to the Greenhouse Gas Reduction Account. The Schedule amends the Act to provide that \$366,445,123 is deemed, as of March 31, 2018, to be charged to the Greenhouse Gas Reduction Account as reimbursement for expenditures that were incurred by the Crown on or after November 1, 2015 and on or before March 31, 2017 but were not reimbursed from the Account before the books of the Government of Ontario were closed for the fiscal year in which the expenditures were incurred. That provision applies despite the general rule that reimbursement for expenditures incurred by the Crown shall not be made after the books of the Government of Ontario are closed for the fiscal year in which the expenditures are incurred. That provision is repealed as of January 1, 2019.

SCHEDULE 4 COMPULSORY AUTOMOBILE INSURANCE ACT

The *Compulsory Automobile Insurance Act* is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. The Lieutenant Governor in Council is given regulation-making authority over certain matters relating to the transfer of the Superintendent's powers, duties and functions.

SCHEDULE 5 CORPORATIONS ACT

Amendments to the *Corporations Act* are related to amendments made in the Bill to the *Insurance Act* concerning the licensing of insurers. The Act is amended to provide that the incorporation of certain insurers is no longer permitted under the Act.

The Act is also amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 6
CORPORATIONS TAX ACT**

The *Corporations Tax Act* is amended to change certain references in the definition of “taxation year”.

**SCHEDULE 7
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

The *Credit Unions and Caisses Populaires Act, 1994* is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. The Lieutenant Governor in Council is given regulation-making authority over certain matters relating to the transfer of the Superintendent’s powers, duties and functions. Complementary and consequential amendments are also made.

**SCHEDULE 8
EARLY CHILDHOOD EDUCATORS ACT, 2007**

The Schedule makes various amendments to the *Early Childhood Educators Act, 2007* in respect of the powers and procedures of committees of the College of Early Childhood Educators.

1. The powers of the Complaints Committee are expanded to address situations where the Committee has reason to believe that a member may be incapacitated. The Committee may require the member to submit to physical or mental examinations, and may order the suspension of the member’s certificate of registration until the member submits to the examinations.
2. The Complaints Committee may refer a complaint to the Council or the Executive Committee for the purposes of making an interim order to suspend the member’s certificate of registration or impose terms, conditions or limitations on the certificate.
3. Amendments are also made relating to orders of the Discipline Committee when a member is found guilty of an act of professional misconduct consisting of, or including, sexual abuse of a child or a prohibited act involving child pornography. The Committee shall make orders for the interim suspension of a certificate and for the revocation of the certificate. The Committee may also make an order requiring the member to reimburse the College for any funding for therapy and counselling that the College may provide to a person.
4. Related amendments are made regarding reports and evidence by health professionals and their use at hearings of the Fitness to Practise Committee.

A new Part is added to the Act that requires the College to establish and administer a program to provide funding for therapy and counselling for children who are the subject of sexual abuse or of a prohibited act involving child pornography. The Part sets out eligibility requirements to obtain the funding and requirements relating to the proper use of such funds.

Related by-law making powers and regulation-making powers are added.

**SCHEDULE 9
EDUCATION ACT**

The Schedule amends section 185 of the *Education Act* by setting out the circumstances in which school boards are required to provide for the admission of their pupils and other persons to schools operated by bands, councils of bands, the Crown in right of Canada, prescribed entities or education authorities that are authorized by the Crown in right of Canada.

The Schedule amends section 188 of the Act by setting out the circumstances in which school boards are required to admit eligible pupils to schools operated by the board.

The Schedule also makes a minor amendment to the regulation-making authority respecting legislative grants.

**SCHEDULE 10
ELECTRICITY ACT, 1998**

The *Electricity Act, 1998* is amended to change references to the Superintendent and the Superintendent of Financial Services to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 11
FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016**

The Schedule amends the *Financial Services Regulatory Authority of Ontario Act, 2016*. Here are some highlights:

1. Section 2 of the Act is amended to continue the Financial Services Regulatory Authority of Ontario under the name Financial Services Regulatory Authority of Ontario in English and Autorité ontarienne de réglementation des services financiers in French.
2. New section 10.1 requires the board of directors to establish a committee to advise the Chief Executive Officer on matters related to the Pension Benefits Guarantee Fund.
3. Section 11 of the Act is amended to provide that the Authority may take certain actions if an entity does not pay a charge payable to the Authority.
4. New sections 20.1 to 20.4 set out rules governing certificates, information and the format of documents.
5. New sections 29 to 32 provide that the Minister may make orders transferring the operations, activities, affairs, assets, liabilities, rights and obligations of FSCO to the Authority and transferring the liabilities, rights and obligations of the Superintendent of Financial Services to the Chief Executive Officer or to the Authority. The Minister is also permitted to enter into agreements, execute such documents and instruments, and do such other things as the Minister considers necessary or advisable to transfer any or all of the assets, liabilities, rights and obligations of FSCO to the Authority. The Lieutenant Governor in Council is given the authority to make regulations supplementing the new provisions and governing transfers under the Act.

**SCHEDULE 12
HOSPITAL LABOUR DISPUTES ARBITRATION ACT**

Canadian Blood Services is deemed to be a “hospital” for the purposes of the *Hospital Labour Disputes Arbitration Act*. Transitional matters are provided for.

**SCHEDULE 13
INSURANCE ACT**

Currently, section 42 of the *Insurance Act* authorizes the issuance of licences to insurers. A new subsection 42 (1.1) provides that, after the day section 3 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, the Chief Executive Officer cannot issue a licence to an insurer unless the insurer satisfies one of the criteria in that subsection. A new subsection 42 (1.3) of the Act provides that, after the day section 3 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, an insurer’s licence is limited to authorizing the insurer to carry on business in Ontario solely for the purpose of dissolving or winding up its business. This restriction does not apply if the insurer satisfies one of the criteria in that subsection.

The Act is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. Certain references to the Financial Services Commission of Ontario are also changed to refer instead to the Financial Services Regulatory Authority of Ontario. Consequential and complementary amendments are also made.

**SCHEDULE 14
LABOUR RELATIONS ACT, 1995**

The Schedule amends the *Labour Relations Act, 1995*. Here are some highlights:

1. Currently, section 149 of the Act prohibits certain types of interference by a parent trade union or council of trade unions with a local trade union in the construction industry. These requirements are moved earlier in the Act so that they apply to trade unions in other industries as well. Consequential and related amendments are made throughout the Act.
2. Amendments are made in relation to concrete formwork in the construction industry and include the following:
 - i. A new section 150.7 is added providing for special rules with respect to the Carpenters’ District Council of Ontario in certain geographic areas.
 - ii. Currently subsection 153 (2) of the Act provides that, where affiliated bargaining agents that are subordinate or directly related to the different provincial, national or international trade unions bargain as a council of trade unions with a single employer bargaining agency, the Minister may exclude the bargaining relationship from the designation of an employee bargaining agency or employer bargaining agency that would otherwise apply. Section 153 is amended to allow such an exclusion to be limited to specified geographic areas, and special rules are provided if an exclusion is limited in that way.

**SCHEDULE 15
LAW SOCIETY ACT**

The Schedule amends the *Law Society Act* in order to change the name of The Law Society of Upper Canada to the Law Society of Ontario; the French version of the name is changed from Barreau du Haut-Canada to Barreau de l’Ontario.

Name changes are also made in the Act to the Law Society Hearing Division, which is changed to the Law Society Tribunal Hearing Division, as well as to the Law Society Appeal Division, which is changed to the Law Society Tribunal Appeal Division.

Section 29 of the Act is amended to provide that persons licensed under the Act to provide legal services in Ontario are officers of those courts in which they are authorized to represent parties in legal proceedings.

The Schedule also makes amendments to a number of other Acts in order to reflect the Law Society of Ontario's name change. As well, the *Courts of Justice Act* is amended to reflect the name change of the County and District Law Presidents' Association to the Federation of Ontario Law Associations.

SCHEDULE 16 LOAN AND TRUST CORPORATIONS ACT

The *Loan and Trust Corporations Act* is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. The Lieutenant Governor in Council is given regulation-making authority over certain matters relating to the transfer of the Superintendent's powers, duties and functions. Complementary and consequential amendments are also made.

SCHEDULE 17 MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

The *Mortgage Brokerages, Lenders and Administrators Act, 2006* is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. A reference to the Financial Services Commission of Ontario is also changed to refer instead to the Financial Services Regulatory Authority of Ontario.

SCHEDULE 18 MUNICIPAL TAX ASSISTANCE ACT

The Schedule amends the *Municipal Tax Assistance Act*.

The non-application section of the Act is amended with respect to unpatented lands. Technical amendments are also made.

Subsection 4 (3) is amended to clarify the interaction between the *Assessment Act* and the *Municipal Tax Assistance Act*.

The Act is amended to permit the Minister of Finance to make regulations specifying that tenants of certain non-taxable property owe a debt to the Crown or a Crown agency if payments in lieu of taxes are made by the Crown or Crown agency in respect of the land.

SCHEDULE 19 ONTARIO COLLEGE OF TEACHERS ACT, 1996

The Schedule makes various amendments to the *Ontario College of Teachers Act, 1996* in respect of the powers and procedures of committees of the College.

1. The powers of the Investigation Committee are expanded to address situations where the Committee has reason to believe that a member may be incapacitated. The Committee may require the member to submit to physical or mental examinations, and may order the suspension of the member's certificate of qualification and registration until the member submits to the examinations.
2. The Investigation Committee may refer a complaint to the Council or the Executive Committee for the purposes of making an interim order to suspend the member's certificate of qualification and registration or impose terms, conditions or limitations on the certificate.
3. Amendments are also made relating to orders of the Discipline Committee when a member is found guilty of an act of professional misconduct consisting of, or including, sexual abuse of a student or a prohibited act involving child pornography. The Committee shall make orders for the interim suspension of a certificate and for the revocation of the certificate. The Committee may also make an order requiring the member to reimburse the College for any funding for therapy and counselling that the College may provide to a person.
4. Related amendments are made regarding reports and evidence by health professionals and their use at hearings of the Fitness to Practise Committee.

A new Part is added to the Act that requires the College to establish and administer a program to provide funding for therapy and counselling for students who are the subject of sexual abuse or of a prohibited act involving child pornography. The Part sets out eligibility requirements to obtain the funding and requirements relating to the proper use of such funds.

Related by-law making powers and regulation-making powers are added.

**SCHEDULE 20
ONTARIO LABOUR MOBILITY ACT, 2009**

The *Ontario Labour Mobility Act, 2009* is amended to change references to the Financial Services Commission of Ontario to refer instead to the Financial Services Regulatory Authority of Ontario.

**SCHEDULE 21
ONTARIO LOAN ACT, 2018**

The *Ontario Loan Act, 2018* is enacted. Subsection 1 (1) of the Act authorizes the Crown to borrow a maximum of \$16 billion.

**SCHEDULE 22
ONTARIO PUBLIC SERVICE EMPLOYEES' UNION PENSION ACT, 1994**

The *Ontario Public Service Employees' Union Pension Act, 1994* is amended to change references to the Superintendent of Pensions to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 23
PENSION BENEFITS ACT**

The Schedule amends the *Pension Benefits Act* in respect of the following matters:

Terminology changes

The Act is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. Certain references to the Financial Services Commission of Ontario are changed to refer instead to the Financial Services Regulatory Authority of Ontario. Complementary and consequential amendments are also made.

Pension Benefits Guarantee Fund

Subsection 84 (1) of the Act lists the benefits and contributions that are guaranteed by the Pension Benefits Guarantee Fund. Amendments are made to remove requirements regarding the age and years of employment or membership that members and former members must meet for their benefits to be guaranteed by the Guarantee Fund, if the date of the wind up of the pension plan is on or after May 19, 2017.

Section 85 of the Act governs pension benefits that are not guaranteed by the Pension Benefits Guarantee Fund. Currently, the amount of a pension or pension benefit, including any bridging supplement, in excess of \$1,000 per month is not guaranteed by the Guarantee Fund. The section is amended to provide that an amount of a pension or pension benefit, including any bridging supplement, in excess of \$1,500 is not guaranteed by the Guarantee Fund, if the date of the wind up is on or after May 19, 2017.

Previously unproclaimed amendments that were made to sections 84 and 85 by the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

The amendments to sections 84 and 85 described above are made retroactive to May 19, 2017.

New section 86.1 of the Act requires the Minister to periodically conduct a review of the provisions of the Act and the regulations related to the Guarantee Fund.

Disclosable events

A new section 98.1 of the Act requires prescribed persons and entities to notify the Superintendent of a disclosable event as soon as reasonably practicable after it has occurred. In prescribed circumstances, a person or entity must notify the Superintendent in advance of a disclosable event occurring. A disclosable event is defined as a prescribed event in relation to an employer or a pension plan.

**SCHEDULE 24
POLICE SERVICES ACT**

The *Police Services Act* is amended to change a reference to the Superintendent of Financial Services to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 25
POLICE SERVICES ACT, 2018**

The *Police Services Act, 2018* is amended to change a reference to the Superintendent of Financial Services to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 26
POOLED REGISTERED PENSION PLANS ACT, 2015**

The *Pooled Registered Pension Plans Act, 2015* is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. References to the Financial Services Commission of Ontario are changed to refer instead to the Financial Services Regulatory Authority of Ontario. The Lieutenant Governor in Council is given regulation-making authority over certain matters relating to the transfer of the Superintendent's powers, duties and functions. Complementary and consequential amendments are also made.

Currently, the Act provides that multilateral agreements, which are entered into under the Act through a process that reflects the process in the *Pooled Registered Pension Plans Act (Canada)*, do not come into force until a date that is specified by regulation. The Schedule amends the Act to provide that the process in the federal Act applies in Ontario and that notice respecting the date on which a multilateral agreement or amendment to it comes into force must be published in *The Ontario Gazette*. Various technical amendments are made as a consequence.

**SCHEDULE 27
PREPAID HOSPITAL AND MEDICAL SERVICES ACT**

The *Prepaid Hospital and Medical Services Act* is amended to change all references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 28
PUBLIC SERVICE PENSION ACT**

The *Public Service Pension Act* is amended to provide that if a capital markets regulatory authority is established in respect of Ontario and if it is an agent of the Crown in right of Ontario, its permanent staff employed in Ontario are members of the Plan. A definition of "capital markets regulatory authority" is included.

The Act is also amended to change references to the Superintendent of Pensions to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 29
REGISTERED INSURANCE BROKERS ACT**

The *Registered Insurance Brokers Act* is amended to change certain references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*. The Lieutenant Governor in Council is given regulation-making authority over certain matters relating to the transfer of the Superintendent's powers, duties and functions.

**SCHEDULE 30
REVENUE INTEGRITY ACT, 2018**

The Schedule enacts the *Revenue Integrity Act, 2018*.

The Act requires every person who carries on a prescribed business in Ontario to record and report sales transaction information using an electronic cash register. The Minister may use this information in connection with the administration and enforcement of tax laws and may disclose it to the Canada Revenue Agency to assist in the administration and enforcement of certain federal tax laws.

The Act provides for inspections and examinations related to the administration or enforcement of the Act. It allows compliance orders to be issued to order that persons cease contravening the Act and take steps to comply with it.

The Minister of Finance may impose administrative penalties against persons who have contravened certain provisions of the Act or failed to comply with a compliance order. Payment of the penalty means that the contravener cannot be charged with an offence. Offences are provided in relation to obstruction of inspections or examinations and contraventions of the Act and the regulations.

Several powers to enforce amounts payable under the Act are provided which are similar in nature to the powers in the *Ministry of Revenue Act*. These include registering liens and garnishing money payable from third parties.

**SCHEDULE 31
SOLICITORS ACT**

The Schedule makes amendments to the *Solicitors Act* in relation to contingency fee agreements.

Subsection 28.1 (8) of the Act is repealed, and related consequential amendments are made, in order to remove the restriction on including costs in contingency fee agreements except with leave of the court.

Section 32.1 is added to the Act to provide that persons licensed under the *Law Society Act* to provide legal services in Ontario may also enter into contingency fee agreements with clients.

**SCHEDULE 32
TAXATION ACT, 2007**

The Schedule makes various amendments to the *Taxation Act, 2007*.

Subsection 9 (8) of the Act is amended to require an individual to include income deductible under paragraph 20 (1) (ww) of the Federal Act for the purposes of determining the individual's age tax credit.

Section 31 of the Act provides for the Ontario small business deduction. That section is amended so that a different manner of determining a corporation's "specified partnership income" for the purposes of a specified provision of the Federal Act applies with respect to a taxation year beginning after March 21, 2016.

Section 93 of the Act provides for the Ontario interactive digital media tax credit. That section is amended to specify when the development of a product that is embedded into a website is considered to have been completed for the purposes of the section.

Part V.5 of the Act provides for the small beer manufacturers' tax credit. Currently, the credit may be claimed by a corporation if its worldwide production of beer for the production year ending before the sales year exceeds 5 million litres but is less than 15 million litres, and if its worldwide production of beer has never exceeded 15 million litres in any previous year. The amount of the credit is capped at 5 million litres of eligible sales. The credit is reduced to zero when eligible sales exceed 15 million litres.

The Part is amended so that a corporation is eligible for the credit if its worldwide production of beer for the production year ending before the sales year exceeds 4.9 million litres but is less than 30 million litres, its worldwide production of beer never exceeded 30 million litres in any previous year, and its total eligible sales of beer in a sales year never exceeded 20 million litres in any previous year. The amendments further provide that the amount of the credit is capped at 4.9 million litres in eligible sales and that it is reduced to zero when eligible sales exceeds 20 million litres. These new rules apply in respect of sales years that begin on or after March 1, 2018.

Consequential amendments are made to the definition of "microbrewer" in subsection 22 (3) of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*.

Currently, subsection 105 (5) of the Act allows a mutual fund trust that acquires all or substantially all of the property of another mutual fund trust, or of a mutual fund corporation, to also acquire that fund's refundable capital gains tax on hand. That subsection is replaced by a new subsection that includes rules respecting situations in which the assets are acquired by two or more mutual fund trusts. These rules apply to transfers that occur on or after March 22, 2017.

**SCHEDULE 33
TAXPAYER PROTECTION ACT, 1999**

Currently, subsection 2 (1) of the *Taxpayer Protection Act, 1999* specifies that a member of the Executive Council shall not include in a bill a provision that increases a tax rate under a designated tax statute or establishes a new tax, unless a referendum authorizes the increase or the new tax. The Schedule amends the *Taxpayer Protection Act, 1999* to create an exception for a bill that receives First Reading in 2018 that would amend subsections 3 (1) and 6 (1) of the *Taxation Act, 2007* in a manner that would increase the tax rates for individuals under that Act.

**SCHEDULE 34
TEACHERS' PENSION ACT**

The *Teachers' Pension Act* is amended to change references to the Superintendent of Financial Services to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

**SCHEDULE 35
TOBACCO TAX ACT**

The Schedule makes the following amendments to the *Tobacco Tax Act*:

1. Currently, the Act allows for the Minister to determine the mass of raw leaf tobacco that has not yet been baled or packaged in such manner and form and by such procedure as the Minister considers adequate and expedient for the purpose of determining the amounts of certain penalties under the Act related to raw leaf tobacco. The Act is amended to allow the Minister to conduct such assessments even if the raw leaf tobacco has been baled or packaged and to allow the Minister to assess the mass of raw leaf tobacco in this way with respect to other penalties relating to raw leaf tobacco currently set out in the Act.
2. The Act is amended to require a person who must hold a registration certificate under section 2.2 of the Act to notify the Minister, in accordance with the regulations, before destroying any raw leaf tobacco owned by the person. The Act is also amended to require a person to notify the Minister of a change to any information previously provided to the

Minister respecting raw leaf tobacco. The amendments make it an offence to contravene these requirements and allow the Minister to assess a penalty against persons who contravene them.

3. Currently, the Act authorizes the Minister, on behalf of the Crown and subject to the approval of the Lieutenant Governor in Council, to enter into arrangements and agreements with a council of a band with respect to tobacco. The Act is amended to provide that such an arrangement or agreement may provide for the Minister to make a grant to the council or an entity specified by the council.
4. Currently, the Act authorizes the Lieutenant Governor in Council to make regulations providing that rules respecting certain tobacco activities established by the council of a band apply on a reserve, if an arrangement or agreement with the band relates to those activities. The Act is amended to expand the tobacco activities in respect of which such a regulation can be made.
5. The Act is amended to allow for tracking devices and other investigative techniques to be used if permitted by an order of a justice and to establish rules respecting such orders.

Technical amendments are also made to the Act.

**SCHEDULE 36
THE VICTORIA UNIVERSITY ACT, 1951**

The Schedule amends *The Victoria University Act, 1951*.

The amendments provide that the existing exemptions in subsections 5 (2) and (3) of the Act do not apply in 2019 and subsequent years, except in respect of property taxes for school purposes. Section 17 of the *University of Toronto Act, 1971* also does not apply in respect of Victoria University during this period.

Existing tenants are deemed, in certain situations, to be required to pay an amount in respect of an increase in property taxes for municipal purposes that may result from this non-application. The City of Toronto is required to pass a by-law providing for the phasing in of these increases.

**SCHEDULE 37
WORKPLACE SAFETY AND INSURANCE ACT, 1997**

Section 14 of the *Workplace Safety and Insurance Act, 1997*, which provides that certain workers are entitled to benefits under the insurance plan for posttraumatic stress disorder arising out of and in the course of the worker's employment and that the posttraumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment, unless the contrary is shown, is amended to include six new categories of workers. Transitional matters are provided for and complementary amendments are made.

An Act to implement Budget measures and to enact and amend various statutes

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Assessment Act
Schedule 2	City of Toronto Act, 2006
Schedule 3	Climate Change Mitigation and Low-carbon Economy Act, 2016
Schedule 4	Compulsory Automobile Insurance Act
Schedule 5	Corporations Act
Schedule 6	Corporations Tax Act
Schedule 7	Credit Unions and Caisses Populaires Act, 1994
Schedule 8	Early Childhood Educators Act, 2007
Schedule 9	Education Act
Schedule 10	Electricity Act, 1998
Schedule 11	Financial Services Regulatory Authority of Ontario Act, 2016
Schedule 12	Hospital Labour Disputes Arbitration Act
Schedule 13	Insurance Act
Schedule 14	Labour Relations Act, 1995
Schedule 15	Law Society Act
Schedule 16	Loan and Trust Corporations Act
Schedule 17	Mortgage Brokerages, Lenders and Administrators Act, 2006
Schedule 18	Municipal Tax Assistance Act
Schedule 19	Ontario College of Teachers Act, 1996
Schedule 20	Ontario Labour Mobility Act, 2009
Schedule 21	Ontario Loan Act, 2018
Schedule 22	Ontario Public Service Employees' Union Pension Act, 1994
Schedule 23	Pension Benefits Act
Schedule 24	Police Services Act
Schedule 25	Police Services Act, 2018
Schedule 26	Pooled Registered Pension Plans Act, 2015
Schedule 27	Prepaid Hospital and Medical Services Act
Schedule 28	Public Service Pension Act
Schedule 29	Registered Insurance Brokers Act
Schedule 30	Revenue Integrity Act, 2018
Schedule 31	Solicitors Act
Schedule 32	Taxation Act, 2007
Schedule 33	Taxpayer Protection Act, 1999
Schedule 34	Teachers' Pension Act
Schedule 35	Tobacco Tax Act
Schedule 36	The Victoria University Act, 1951
Schedule 37	Workplace Safety and Insurance Act, 1997

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 *Plan for Care and Opportunity Act (Budget Measures), 2018*.

**SCHEDULE 1
ASSESSMENT ACT**

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

“optional property class” means a class of real property that the council of a municipality may opt to have apply within the municipality in accordance with a regulation made under subsection 2 (3.1); (“catégorie de biens facultative”)

“optional property subclass” means a subclass of real property that the council of a municipality may opt to have apply within the municipality in accordance with a regulation made under subsection 2 (3.1); (“sous-catégorie de biens facultative”)

2 (1) Clause 2 (2) (d.2) of the Act is amended by striking out “in the farm property class or managed forests property class” in the portion before subclause (i) and substituting “in the farm property class or managed forests property class or in an optional property class or optional property subclass”.

(2) Clause 2 (2) (d.3) of the Act is amended by striking out “in the farm property class or managed forests property class” in the portion before subclause (i) and substituting “in the farm property class or managed forests property class or in an optional property class or optional property subclass”.

(3) Clause 2 (2) (g) of the Act is repealed.

(4) Clause 2 (3.1) (d) of the Act is repealed and the following substituted:

- (d) allow for a municipality, other than a lower-tier municipality, to, by by-law, create additional requirements, or provide that any prescribed requirement does not apply, for land to be included in a class or subclass in the municipality or some portion of it, which may include specifying that individual properties or portions thereof are eligible or ineligible to be included in the class or subclass.

(5) Subsection 2 (7) of the Act is repealed.

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

Child care centres

- 4.1 Land that is used as a non-profit child care centre within the meaning of the *Child Care and Early Years Act, 2014*, if,
 - i. the land would be exempt from taxation if it was occupied by the land’s owner, and
 - ii. the requirements prescribed by the Minister, if any, are satisfied.

4 Subsection 8 (3) of the Act is amended by striking out “subsection (1), (2) or (2.1)” and substituting “subsection (1), (1.1), (2) or (2.1)”.

5 (1) Section 18 of the Act is amended by adding the following subsection:

Exception

(1.2) Clause (1) (a) does not apply to a tenant on provincial property that is within a municipality unless,

- (a) the tenant is occupying a property described in clause 3 (1) (a) of the *Municipal Tax Assistance Act* and no regulation made under subsection 4 (4) of that Act applies to the property; or
- (b) the tenant was shown on the assessment roll returned for the 2018 taxation year as assessable in respect of the property.

(2) Subsection 18 (2) of the Act is amended by adding the following definitions:

“municipality” includes land within a provincial park or conservation reserve that would, but for subsection 31 (1) of the *Provincial Parks and Conservation Reserves Act, 2006*, be located in a municipality; (“municipalité”)

“provincial property” means provincial property as defined in section 1 of the *Municipal Tax Assistance Act*; (“biens provinciaux”)

6 Paragraph 3 of subsection 19.2 (1) of the Act is repealed and the following substituted:

- 3. For the period consisting of the four taxation years from 2013 to 2016, land is valued as of January 1, 2012.
- 4. For the period consisting of the four taxation years from 2017 to 2020, land is valued as of January 1, 2016.
- 5. After 2020, for each subsequent period consisting of four consecutive taxation years, land is valued as of January 1 of the year that precedes the period by two years.

7 Subsection 30 (1) of the Act is amended by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding the following clause:

- (e) such other information related to the operation or use of the railway, including the tonnage transported on the railway, as may be prescribed.

8 (1) Subsection 34 (2) of the Act is repealed and the following substituted:

Supplementary classification

(2) If, during the taxation year or the period after June 30 in the preceding taxation year, a change event, within the meaning of subsection (2.2), occurs that would change the class or subclass of real property that a parcel of land or a part of such a parcel is in, the assessor may change the classification accordingly, and, upon receiving notice of the change, the clerk of the municipality or, in the case of land in non-municipal territory, the Minister, shall enter it on the tax roll and the tax levied for the taxation year shall be determined in accordance with the new classification.

(2) Clauses (b) and (c) of the definition of “change event” in subsection 34 (2.2) of the Act are repealed and the following substituted:

- (b) an act or omission that results in all or part of the parcel of land ceasing to be in a class or subclass of real property, and
- (c) the opting, by a council of a single or upper tier municipality, to have a class or subclass of real property apply or cease to apply within the municipality.

Commencement

9 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

**SCHEDULE 2
CITY OF TORONTO ACT, 2006**

1 Section 135 of the *City of Toronto Act, 2006* is amended by adding the following subsections:

Exception re by-law passed before 2018 regular election

(4.1) Despite clause 135 (4) (b), if a by-law changing the composition of city council is passed on or after January 1, 2018 and on or before June 30, 2018, the by-law may, if it so provides, come into force as early as the day the new council is organized after the 2018 regular election.

Same

(4.2) If a by-law referred to in subsection (4.1) is passed, a determination shall not be made under subsection 83 (1) of the *Municipal Elections Act, 1996* by reason only of the clerk of the City doing anything, before the by-law is passed, in relation to the conduct of the 2018 regular election,

- (a) as if the by-law were not already in effect; or
- (b) as if the by-law were already in effect.

Commencement

2 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

SCHEDULE 3
CLIMATE CHANGE MITIGATION AND LOW-CARBON ECONOMY ACT, 2016

1 (1) Subsections 71 (5) and (6) of the *Climate Change Mitigation and Low-carbon Economy Act, 2016* are repealed and the following substituted:

Reimbursement of expenditures

(5) A reimbursement described in paragraph 3 of subsection (2) for an expenditure incurred by the Crown shall not be made after the books of the Government of Ontario are closed for the fiscal year in which the expenditure is incurred.

Specified expenditures

(6) Despite subsection (5), \$366,445,123 is deemed, as of March 31, 2018, to be charged to the Greenhouse Gas Reduction Account as reimbursement for expenditures described in paragraph 3 of subsection (2) that were incurred by the Crown on or after November 1, 2015 and on or before March 31, 2017 but were not reimbursed from the Account before the books of the Government of Ontario were closed for the fiscal year in which the expenditures were incurred.

(2) Subsection 71 (6) of the Act, as re-enacted by subsection (1), is repealed.

Commencement

2 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent or, if the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent after March 31, 2018, it is deemed to have come into force on March 31, 2018.

(2) Subsection 1 (2) comes into force on January 1, 2019.

**SCHEDULE 4
COMPULSORY AUTOMOBILE INSURANCE ACT**

1 Subsection 1 (1) of the *Compulsory Automobile Insurance Act* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 The Act is amended by adding the following section:

Regulations re transfer Superintendent powers, duties and functions

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

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) deeming references in this Act or the regulations to the Superintendent to be references to the Authority or the Chief Executive Officer;
- (c) governing transitional matters that may arise due to the transfers described in clause (a) or the deeming of references described in clause (b).

Same

(2) A regulation made under subsection (1) is subject to such conditions, limitations and restrictions as may be prescribed.

Conflicts

(3) If there is a conflict between a regulation made under subsection (1) and any Act or any other regulation, the regulation made under subsection (1) prevails, unless the Act or other regulation specifies that it prevails.

3 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

1. The definition of “Superintendent” in subsection 1 (1).
2. Section 15.1.

Commencement

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

**SCHEDULE 5
CORPORATIONS ACT**

1 Section 1 of the *Corporations Act* is amended by adding the following definition:

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 Section 142 of the Act is amended by adding the following subsection:

Exception, life insurance

(4) After the day section 2 of Schedule 5 to the *Plan for Care and Opportunity Act (Budget Measures), 2018*, comes into force, no joint stock insurance company may be incorporated under this section for the purpose of undertaking and transacting life insurance.

3 Subsection 147 (2) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer” and by striking out “Lieutenant Governor in Council” and substituting “Chief Executive Officer”.

4 (1) Clause 176 (4) (c) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

(2) Section 176 of the Act is amended by adding the following subsection:

Limit

(5) After the day subsection 4 (2) of Schedule 5 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, no fraternal society may be incorporated under this section.

5 Section 178 of the Act is amended by adding the following subsection:

Limit

(4) After the day section 5 of Schedule 5 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, no fraternal society may be incorporated under this section.

6 Section 179 of the Act is amended by adding the following subsection:

Limit

(2) After the day section 6 of Schedule 5 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, no auxiliary or local subordinate body or branch of a licensed fraternal society may be incorporated under this section.

7 The Act is amended by adding the following section:

Limit

182 Despite sections 180 and 181, after the day section 7 of Schedule 5 to the *Plan for Care and Opportunity Act, Budget Measures), 2018* comes into force, a fraternal society may not amalgamate with another fraternal society.

8 Subsection 217 (1) of the Act is amended by striking out “Superintendent of Financial Services” and substituting “Chief Executive Officer” and by striking out “the superintendent of insurance in each province” and substituting “the regulator with the authority to order the cancellation of an insurer’s licence in each province or territory of Canada”.

9 Section 271 of the Act is amended by striking out “*Winding-up Act (Canada)*” and substituting “*Winding-up and Restructuring Act (Canada)*”.

10 (1) Subsection 312 (1) of the Act is amended by adding “other than a company that has objects in whole or in part of a social nature, a corporation referred to in sections 176, 178 or 179, or an insurer undertaking and transacting life insurance” after “subsisting corporation”.

(2) Subsection 312 (3) of the Act is amended by adding “other than a company that has objects in whole or in part of a social nature, a corporation referred to in sections 176, 178 or 179, or an insurer undertaking and transacting life insurance” after “Ontario”.

(3) Subsection 312 (3) of the Act, as re-enacted by subsection 63 (3) of Schedule 7 to the *Cutting Unnecessary Red Tape Act, 2017*, is amended by adding “other than a company that has objects in whole or in part of a social nature, a corporation referred to in sections 176, 178 or 179, or an insurer undertaking and transacting life insurance” after “Ontario”.

11 Subsection 313 (1.1) of the Act is amended by striking out “the Superintendent of Financial Services appointed under section 5 of the *Financial Services Commission of Ontario Act, 1997*” and substituting “the Chief Executive Officer”.

12 The definition of “Superintendent” in section 22 of the Schedule to the Act is repealed.

13 The Act is amended by striking out “Superintendent” in the following provisions and substituting in each case “Chief Executive Officer”:

1. Subsection 141.2 (4).
2. Subsection 142 (3).
3. The definition of “surplus to policyholders” in subsection 144 (1).
4. Subsection 153 (5).
5. Subsection 154 (6).
6. Section 156.
7. Subsection 165 (4).
8. Section 166.
9. Subsection 174 (2).
10. Subsection 176 (4).
11. Subsection 178 (3).
12. Subsection 180 (2).
13. Section 206.
14. Section 207.
15. Subsections 214 (1) and (2).
16. Subsections 217 (2) and (3).
17. Subsection 224 (1).
18. Subsection 225 (2).
19. Sections 4 and 6 of the Schedule.

Cutting Unnecessary Red Tape Act, 2017

14 Section 43 of Schedule 7 to the *Cutting Unnecessary Red Tape Act, 2017* is repealed.

Commencement

15 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1 to 8 and 10 to 13 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 6
CORPORATIONS TAX ACT**

1 (1) Clause (c) of the definition of “taxation year” in subsection 1 (2) of the *Corporations Tax Act* is amended by striking out “Superintendent of Insurance” and substituting “Superintendent of Financial Services”.

(2) Clause (c) of the definition of “taxation year” in subsection 1 (2) of the Act, as amended by subsection (1), is amended by striking out “Superintendent of Financial Services” and substituting “Chief Executive Officer of the Financial Services Regulatory Authority of Ontario”.

Commencement

2 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Subsection 1 (2) comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 7
CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

1 Section 1 of the *Credit Unions and Caisses Populaires Act, 1994* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 Subsection 77 (4) of the Act is amended by adding “of the credit union” after “chief executive officer”.

3 Subsection 140 (3.1) of the Act is amended by adding “of a credit union” after “chief executive officer”.

4 The Act is amended by adding the following section:

Regulations: transfer Superintendent powers, duties and functions

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

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) deeming references in this Act or the regulations to the Superintendent to be references to the Authority or the Chief Executive Officer;
- (c) governing transitional matters that may arise due to the transfers described in clause (a) or the deeming of references described in clause (b).

Same

- (2) A regulation made under subsection (1) is subject to such conditions, limitations and restrictions as may be prescribed.

Conflicts

- (3) If there is a conflict between a regulation made under subsection (1) and any Act or any other regulation, the regulation made under subsection (1) prevails, unless the Act or other regulation specifies that it prevails.

5 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

1. The definition of “Superintendent” in section 1.
2. Section 321.0.3.

6. The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

Commencement

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

**SCHEDULE 8
EARLY CHILDHOOD EDUCATORS ACT, 2007**

1 Subsection 1 (1) of the *Early Childhood Educators Act, 2007* is amended by adding the following definitions:

“health professional” means a member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*; (“professionnel de la santé”)

“personal health information” has the same meaning as in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels sur la santé”)

2 Subsection 29 (2.1.2) of the Act is repealed.

3 (1) Section 31 of the Act is amended by adding the following subsections:

Referral for interim order

(1.2.1) The Complaints Committee may refer a complaint to the Council or the Executive Committee to make an interim order under section 32.2.

Same

(1.2.2) The Complaints Committee shall continue to consider and investigate the complaint that has been referred to the Council or the Executive Committee under subsection (1.2.1).

(2) Subsection 31 (2) of the Act is amended by striking out “subsection (1)” in the portion before clause (a) and substituting “subsections (1) and (1.2.2)”.

(3) Section 31 of the Act is amended by adding the following subsections:

Incapacity of member

(4.5) If the Complaints Committee believes that the member may be incapacitated, the Committee shall make the inquiries it considers appropriate.

Notice to member re incapacity

(4.6) The Complaints Committee shall give the member notice that it intends to inquire into whether the member is incapacitated.

If grounds to believe member is incapacitated

(4.7) If, after making inquiries, the Complaints Committee has reasonable and probable grounds to believe that the member is incapacitated, it may,

- (a) require the member to submit to physical or mental examinations which shall be conducted or ordered by a health professional specified by the Committee; and
- (b) make an order, subject to subsection (4.10), directing the Registrar to suspend the member’s certificate of registration until the member submits to the examinations.

Report

(4.8) A health professional who conducts an examination of a member required under clause (4.7) (a) shall, following the examination, provide to the Complaints Committee a report containing,

- (a) an assessment of whether the member is or has been incapacitated;
- (b) an assessment of the extent of any incapacity and the prognosis for recovery; and
- (c) any further physical or mental considerations that are relevant to the matter before the Committee.

Copies of report

(4.9) The Complaints Committee shall give a copy of any report referred to in subsection (4.8) to the member and may give a copy of the report to,

- (a) the Executive Committee, for the purposes of determining whether an interim order should be made under subsection 32 (3) or 32.2 (1); or
- (b) the Fitness to Practise Committee, if the matter is referred to that committee under clause (5) (a).

Order to suspend

(4.10) No order shall be made under clause (4.7) (b), unless the member has been given,

- (a) notice of the Complaints Committee’s intention to make the order; and
- (b) at least the prescribed time period to make written submissions in respect of the order to the Complaints Committee.

Same

(4.11) Despite clause (4.10) (b), an order may be made without notice to the member, subject to the right of the member to make submissions while the suspension is in place, if the Complaints Committee is of the opinion on reasonable and probable grounds that the physical or mental state of the member exposes or is likely to expose a child to harm or injury and urgent intervention is needed.

Same

(7.1) Despite subsection (7), the Registrar shall not disclose personal health information regarding the member to the complainant, including, without limitation, personal health information set out in any report provided under subsection (4.8).

4 The Act is amended by adding the following section:**Interim suspension**

32.2 (1) The Council or the Executive Committee may make an interim order directing the Registrar to suspend a member's certificate of registration or impose terms, conditions or limitations on a member's certificate of registration if,

- (a) a complaint is referred to the Council or the Executive Committee by the Complaints Committee under subsection 31 (1.2.1) or following the appointment of an investigator under section 39; and
- (b) the Council or the Executive Committee is of the opinion that the actions or conduct of the member exposes or is likely to expose a child to harm or injury.

Restriction

(2) No order shall be made under subsection (1) unless the member has been given,

- (a) notice of the Executive Committee's or the Council's intention to make the order; and
- (b) at least 14 days to make written submissions to the Executive Committee or the Council.

Same

(3) Clause (2) (b) does not apply where the Executive Committee or the Council is of the opinion that the delay would be inappropriate in view of the risk of harm or injury to a child.

No hearing

(4) Except as provided by this section, the Executive Committee or the Council need not hold a hearing or afford any person an opportunity to make oral or written submissions before making a decision or giving a direction under this section.

Procedure following order

(5) If an order is made under subsection (1), the Complaints Committee shall consider and investigate the matter in accordance with section 31 expeditiously.

Same

(6) If the Complaints Committee directs under clause 31 (5) (a) that the matter be referred, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee,

- (a) the College shall prosecute the matter expeditiously; and
- (b) the Discipline Committee or the Fitness to Practise Committee shall give precedence to the matter.

Duration of order

(7) An order under subsection (1) continues in force until the Complaints Committee makes a decision under clauses 31 (5) (b) to (e) or the matter is disposed of by the Discipline Committee or the Fitness to Practise Committee.

5 Subsection 33 (4) of the Act is amended by adding the following paragraphs:

- 5. If the act of professional misconduct consists of or includes sexual abuse or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 59.2.
- 6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5.

6 (1) Subsection 33.2 (1) of the Act is repealed and the following substituted:

Orders relating to sexual abuse and child pornography

(1) Where, under section 33, the Discipline Committee finds a member guilty of an act of professional misconduct consisting of, or including, sexual abuse of a child or a prohibited act involving child pornography, the Committee shall, in addition to anything else the Committee may do under subsection 33 (5),

- (a) make an order requiring that the member be reprimanded by the Committee;
- (b) if the act of professional misconduct did not consist of, or include, an act listed in subsection (2) and the Discipline Committee has not otherwise made an order revoking the member's certificate, make an order directing the Registrar to suspend the member's certificate; and
- (c) if the act of professional misconduct consisted of, or included, an act listed in subsection (2),
 - (i) make an interim order directing the Registrar to suspend the member's certificate until the Committee makes an order under subclause (ii), and
 - (ii) make an order directing the Registrar to revoke the member's certificate.

(2) Paragraph 1 of subsection 33.2 (2) of the Act is amended by adding the following subparagraphs:

- vi. Touching of a sexual nature of the child's genitals, anus, breasts or buttocks.
- vii. Other conduct of a sexual nature prescribed by regulations made under clause 45 (1) (c.2).

7 Section 35 of the Act is amended by adding the following subsections:

Fitness to Practise Committee, reports of health professionals

(3.1) A report prepared and signed by a health professional containing his or her findings and the facts upon which they are based, including the personal health information of the member, is admissible as evidence at a hearing of the Fitness to Practise Committee without proof of its making or of the health professional's signature if the party introducing the report gives the other parties a copy of the report at least 10 days before the hearing.

Fitness to Practise Committee, testimony of health professionals

(3.2) A health professional may not give evidence in his or her professional capacity at a hearing of the Fitness to Practise Committee unless a report, prepared and signed by the health professional containing his or her findings and the facts upon which they are based, including the personal health information of the member, is introduced as evidence.

Fitness to Practise Committee, cross-examination

(3.3) If a report described in subsection (3.1) is introduced by a party, the other parties may summon and cross-examine the person who prepared the report.

Exception

(3.4) The Fitness to Practise Committee may, in its discretion, allow a party to introduce evidence that is inadmissible under this section and may make directions it considers necessary to ensure that the other parties are not prejudiced.

8 (1) Paragraph 8.5 of subsection 43 (1) of the Act is amended by striking out "*Child and Family Services Act*" and substituting "*Child, Youth and Family Services Act, 2017*".

(2) Subsection 43 (1) of the Act is amended by adding the following paragraphs:

- 16.1 prescribing alternative requirements for eligibility for funding under clause 59.2 (3) (b);
- 16.2 prescribing the circumstances in respect of which a person's eligibility for funding ceases for the purposes of subsection 59.2 (6);

9 Subsection 44 (1) of the Act is amended by adding the following paragraphs:

- 35. requiring members to pay specified amounts to pay for the program required under section 59.2, including amounts,
 - i. that are specified in the by-law, or
 - ii. that are calculated according to a method set out in the by-law;
- 36. authorizing the College to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 59.2 and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose.

10 (1) Subsection 45 (1) of the Act is amended by adding the following clause:

- (c.1.1) prescribing a time period for the purposes of clause 31 (4.10) (b);

(2) Subsection 45 (1) of the Act is amended by adding the following clause:

(c.2) prescribing other conduct of a sexual nature for the purposes of subparagraph 1 vii of subsection 33.2 (2);

(3) Subsection 45 (1) of the Act is amended by adding the following clauses:

(d.2) governing funding under the program required under section 59.2, including regulations,

- (i) prescribing the maximum amount, or a means of establishing the maximum amount, of funding that may be provided for a person in respect of a case of sexual abuse or a prohibited act involving child pornography,
- (ii) prescribing the period of time during which funding may be provided for a person in respect of a case of sexual abuse or a prohibited act involving child pornography;

(d.3) prescribing additional purposes for which funding may be provided under the program the College is required to maintain under section 59.2, and prescribing additional persons or classes of persons to whom funding may be paid for the purposes of subsection 59.2 (9);

11 Subsection 49.3 (1) of the Act is amended by adding the following paragraph:

2.1 If an interim order respecting a member is made under subsection 32.2 (1), the Registrar shall provide a copy of the order to the member's employer.

12 The Act is amended by adding the following section:

Transition: *Plan for Care and Opportunity Act (Budget Measures), 2018*

59.1 Section 33.2, as amended by Schedule 8 of the *Plan for Care and Opportunity Act (Budget Measures), 2018*, applies to an act of professional misconduct that consists of or includes sexual abuse of a child that occurred on or after August 31, 2015 but before the day section 12 of that Schedule came into force, if no order has been made in respect of the matter under subsection 33 (4) before that day.

13 The Act is amended by adding the following Part:

**PART XI
FUNDING FOR THERAPY AND COUNSELLING**

Funding provided by College

59.2 (1) There shall be a program, established and administered by the College, to provide funding for the following purposes in connection with allegations of sexual abuse or a prohibited act involving child pornography by members:

1. Therapy and counselling for the child who is the subject of sexual abuse or of a prohibited act involving child pornography in which an allegation has been made against a member.
2. Any other purposes prescribed by regulations made under clause 45 (1) (d.3).

Funding governed by regulations

(2) The funding shall be provided in accordance with the regulations.

Eligibility

(3) A person is eligible for funding if,

- (a) it is alleged in a complaint or report against a member received by the College that the child was the subject of sexual abuse or of a prohibited act involving child pornography and, in the opinion of the College, the child was, at the time of the alleged sexual abuse or prohibited act involving child pornography, a child the member supervised or was responsible for in the course of the member's practice; or
- (b) the alternative requirements prescribed by the regulations made by the Council are satisfied.

Timing

(4) Where a request is made for funding pursuant to subsection (1), a determination of the person's eligibility for such funding in accordance with subsection (3) shall be made within a reasonable period of time of the request having been received.

Not a finding

(5) The determination of a person's eligibility for funding in accordance with subsection (3) does not constitute a finding against the member and shall not be considered by any committee of the College dealing with the member.

Cessation of eligibility

(6) Despite subsection (3), a person's eligibility to receive funding pursuant to subsection (1) ceases upon the occurrence of any of the prescribed circumstances.

No assessment

(7) A person is not required to undergo a psychological or other assessment before receiving funding.

Choice of therapist or counsellor

(8) A person who is eligible for funding under subsection (3) is entitled to choose any therapist or counsellor, subject to the following restrictions:

1. The therapist or counsellor must not be a person to whom the eligible person has any family relationship.
2. The therapist or counsellor must not be a person who, to the College's knowledge, has at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature.
3. If the therapist or counsellor is not a health professional, the College may require the person to sign a document indicating that he or she understands that the therapist or counsellor is not subject to professional discipline.

Payment

(9) Funding shall be paid only to the therapist or counsellor chosen by the person or to other persons or classes of persons prescribed by any regulation made under clause 45 (1) (d.3).

Use of funding

(10) Funding shall be used only to pay for therapy or counselling and for any other purposes prescribed by any regulation made under clause 45 (1) (d.3) and shall not be applied directly or indirectly for any other purpose.

Same

(11) Funding may be used to pay for therapy or counselling that was provided at any time after the alleged sexual abuse or prohibited act involving child pornography took place.

Other coverage

(12) The funding that is provided to a person for therapy and counselling shall be reduced by the amount that the Ontario Health Insurance Plan or a private insurer is required to pay for therapy or counselling for the person during the period of time during which funding may be provided for the person under the program.

Right of recovery

(13) The College is entitled to recover from the member, in a proceeding brought in a court of competent jurisdiction, money paid in accordance with this section for an eligible person where the Discipline Committee has made a finding that,

- (a) the member has committed an act of professional misconduct that consisted of or included sexual abuse or a prohibited act of child pornography; and
- (b) the eligible person was the subject of the sexual abuse or the prohibited act involving child pornography.

Person not required to testify

(14) The eligible person shall not be required to appear at or testify in the proceeding referred to subsection (13).

Commencement

14 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1 and 2, subsection 3 (3), sections 5 and 7, subsection 8 (2), section 9, subsections 10 (1) and (3) and section 13 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 8 (1) comes into force on the day subsection 34 (1) of Schedule 1 to the *Supporting Children, Youth and Families Act, 2017* comes into force.

**SCHEDULE 9
EDUCATION ACT**

1 Section 18 of the *Education Act* is amended by striking out “and 30” and substituting “30, 185 and 188”.

2 Section 185 of the Act is repealed and the following substituted:

Admission to prescribed schools

185 (1) A board shall provide for the admission of a pupil of the board or a prescribed person to a prescribed school if the following conditions are met:

1. The prescribed school is operated by a band, a council of a band, the Crown in right of Canada, a prescribed entity or an education authority that is authorized by a band or a council of a band or by the Crown in right of Canada.
2. The board has received written notice from the entity that operates the prescribed school that the entity intends to admit one or more pupils or prescribed persons to the prescribed school.
3. The board has received written notice that one or more pupils or prescribed persons intend to attend the prescribed school from,
 - i. the parent or guardian of each pupil or person,
 - ii. each pupil or person, if they are 16 or 17 years of age and have withdrawn from parental control, or
 - iii. each pupil or person, if they are at least 18 years of age.
4. The notices referred to in paragraphs 2 and 3 shall,
 - i. specify the intended admission date of the pupil or prescribed person to the prescribed school, and
 - ii. comply with any policies or guidelines issued by the Minister pursuant to subsection (2).

Policies and guidelines

(2) The Minister may establish policies and guidelines with respect to the manner of giving, content of and form of any written notices referred to in this section.

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

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to policies and guidelines established by the Minister under this section.

Date of admission

- (4) The board shall provide for the admission of a pupil or prescribed person on the later of,
- (a) the admission date specified in the notice provided by the entity that operates the prescribed school under paragraph 2 of subsection (1); and
 - (b) the admission date specified in the notice provided by the parent, guardian, pupil or person, as the case may be, under paragraph 3 of subsection (1).

Prescribed fee

(5) If the board provides for the admission of a pupil or prescribed person to a prescribed school under subsection (1), the board shall, in accordance with the regulations, pay the prescribed fee.

Additional funds

(6) The board may provide funds in addition to the prescribed fee to an entity that operates a prescribed school if the following requirements are met:

1. The board enters into an agreement with the entity in accordance with any prescribed process.
2. The agreement contains,
 - i. the additional funds to be paid by the board, and
 - ii. any terms and conditions that are required by regulation to be included in such an agreement.

Obligations

(7) Where the pupil of a board or a prescribed person attends a prescribed school, the board is deemed to have met its obligations under paragraph 6 of subsection 170 (1).

Set-off

(8) Despite subsection (5), if a board is owed fees under section 188 by an entity referred to in subparagraph 1 ii of subsection 188 (1), the board may, in the prescribed circumstances and subject to any conditions or restrictions prescribed in the regulations, reduce the fees that it pays to that entity in accordance with the regulations.

Transition

(9) Any agreement entered into under section 185 as it read immediately before section 2 of Schedule 9 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force shall,

- (a) remain in effect until the earlier of the day it expires or the day prescribed by regulation; and
- (b) be subject to any restrictions or conditions prescribed in the regulations.

Regulations

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

- (a) prescribing the persons who may attend a prescribed school;
- (b) prescribing schools for the purposes of this section;
- (c) prescribing the entities that may operate a prescribed school;
- (d) prescribing fees payable by a board under this section;
- (e) respecting the process and timing for paying any prescribed fees;
- (f) respecting the process for entering into an agreement referred to in subsection (6);
- (g) prescribing the terms and conditions that are required to be included in an agreement referred to in subsection (6);
- (h) prescribing the circumstances in which the board may reduce the fees it pays, conditions and restrictions on reducing the fees it pays and the process for determining any reduction;
- (i) providing for and governing any transitional matters that the Lieutenant Governor in Council considers necessary or advisable in connection with agreements under this section, including prescribing any restrictions or conditions that will apply to such agreements.

Same

(11) A regulation made under clause (10) (d) may be made to apply with respect to any period specified in the regulation, including a period before the regulation is made.

Prescribed entities

(12) An entity shall not be prescribed as an entity that may operate a prescribed school under clause (10) (c) unless the entity has been authorized to provide primary or secondary education by a band or a council of a band or by the Crown in right of Canada.

Interpretation

(13) For the purposes of this section,

“prescribed school” means a school that is prescribed under clause (10) (b).

3 (1) Subsection 188 (1) of the Act is repealed and the following substituted:**Admission of eligible pupils to schools of the board**

(1) A board shall admit pupils referred to in subsection (1.1) to a school operated by that board if the following conditions are met:

1. The board has received written notice that the pupil intends to attend the school from,
 - i. the Crown in right of Canada, or
 - ii. a band, a council of a band, a prescribed entity or an education authority that is authorized by a band or a council of a band or by the Crown in right of Canada.
2. The board has received written notice that one or more pupils intend to attend the school from,
 - i. the parent or guardian of each pupil,
 - ii. each pupil, if they are 16 or 17 years of age and have withdrawn from parental control, or
 - iii. each pupil, if they are at least 18 years of age.
3. The notices referred to in paragraphs 1 and 2 shall,

- i. specify the intended admission date of the pupil to the school, and
 - ii. comply with any policies or guidelines issued by the Minister pursuant to subsection (1.2).
4. Any conditions, prescribed by the regulations, respecting accommodation for the pupil at the school are satisfied.

Eligible pupils

- (1.1) A pupil is eligible to be admitted to a school operated by a board under subsection (1) if,
- (a) the pupil is eligible to receive funding from an entity referred to in paragraph 1 of subsection (1) for the purposes of primary or secondary education; and
 - (b) the pupil,
 - (i) ordinarily resides on a reserve within the meaning of the *Indian Act* (Canada), or
 - (ii) is prescribed by regulation.

Policies and guidelines

(1.2) The Minister may establish policies and guidelines with respect to the manner of giving, content of and form of any written notices referred to in this section.

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

(1.3) Part III (Regulations) of the *Legislation Act, 2006* does not apply with respect to policies and guidelines established by the Minister under this section.

Date of admission

- (1.4) The board shall admit the pupil to the school on the later of,
- (a) the admission date specified in the notice provided by the entity under paragraph 1 of subsection (1); and
 - (b) the admission date specified in the notice provided by the parent, guardian or pupil, as the case may be, under paragraph 2 of subsection (1).

Prescribed fee

(1.5) If the board admits a pupil under subsection (1), the board shall, in accordance with the regulations, charge the prescribed fee to the entity that provided notice under paragraph 1 of subsection (1).

Services and supports

(1.6) If the board admits a pupil under subsection (1), the board shall provide that pupil with at least the same services and supports that it would ordinarily provide to a pupil of the board with the same needs, but the board is not required to provide any additional prescribed services and supports unless it enters into an agreement under subsection (1.7).

Agreements

(1.7) Subject to subsection (1.8), the board may enter into an agreement with an entity referred to in paragraph 1 of subsection (1) setting out any services and supports that have been prescribed as a service or support for which fees are payable, if the agreement was negotiated in accordance with any prescribed process and includes the following information:

1. The amounts payable by the entity.
2. Any terms or conditions that are required by regulation to be included in such an agreement.

Same

- (1.8) For greater certainty, the board may charge an entity that provides notice under paragraph 1 of subsection (1) only,
- (a) the prescribed fees; and
 - (b) amounts with respect to prescribed services and supports.

Set-off

(1.9) Despite subsection (1.5), if a board owes fees under section 185 to an entity referred to in subparagraph 1 ii of subsection (1) of this section, the board may, in the prescribed circumstances and subject to any conditions or restrictions prescribed in the regulations, reduce the fees that it charges to that entity in accordance with the regulations.

Transition

- (1.10) Any agreement entered into under section 188 as it read immediately before section 3 of Schedule 9 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force shall,
- (a) remain in effect until the earlier of the day it expires or the day prescribed by regulation; and
 - (b) be subject to any restrictions or conditions prescribed in the regulations.

Regulations

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

- (a) prescribing entities for the purposes of paragraph 1 of subsection (1);
- (b) governing accommodation for pupils for the purposes of paragraph 4 of subsection (1);
- (c) prescribing eligible pupils;
- (d) prescribing the services and supports for which a board may charge an entity referred to in paragraph 1 of subsection (1);
- (e) respecting the process for entering into an agreement referred to in subsection (1.7);
- (f) prescribing the terms and conditions that are required to be included in an agreement referred to in subsection (1.7);
- (g) prescribing the circumstances in which the board may reduce the fees it charges, conditions and restrictions on reducing the fees it charges and the process for determining any reduction;
- (h) providing for and governing any transitional matters that the Lieutenant Governor in Council considers necessary or advisable in connection with agreements under this section, including prescribing any restrictions or conditions that will apply to such agreements.

Same

(1.12) A regulation made under clause (1.11) (d) may be made to apply with respect to any period specified in the regulation, including a period before the regulation is made.

(2) Subsection 188 (2) of the Act is repealed and the following substituted:

Agreements re instruction in Indian schools

(2) A board may enter into an agreement with the Crown in right of Canada or an entity referred to in subparagraph 1 ii of subsection (1) to provide for Indian pupils, for the period specified in the agreement, instruction and special services in schools provided by the Crown in right of Canada, or the entity, as the case may be, and such agreement shall provide for the payment by the Crown in right of Canada or the entity, as the case may be, of the full cost of the provision of the instruction and special services.

(3) Subsection 188 (4) of the Act is repealed and the following substituted:

Cost of special services

(4) A board shall not enter into an agreement under subsection (2) or (3) that requires the board to provide special services for Indian pupils that it does not provide for its resident pupils unless, in addition to the fees referred to in subsection (3), the cost of such services is payable by the Crown in right of Canada.

4 Clause 234 (1) (d) of the Act is repealed and the following substituted:

- (d) to promote the use of school buildings and premises by community groups and to allow community groups to use such buildings and premises.

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1 to 3 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 10
ELECTRICITY ACT, 1998**

1 Subsection 99 (4) of the *Electricity Act, 1998* is amended by striking out “Superintendent” and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

2 Subsection 101 (2) of the Act is amended by striking out “Superintendent of Financial Services” and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

3 Subsection 106 (2) of the Act is amended by striking out “Superintendent of Financial Services” and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

4 Subsection 112 (1) of the Act is amended by striking out “Superintendent of Financial Services” and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

Commencement

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

SCHEDULE 11
FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

1 The French version of the title of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended by striking out “l’Office ontarien” and substituting “l’Autorité ontarienne”.

2 (1) The definition of “Authority” in section 1 of the Act is repealed.

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

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1); (“Autorité”)

(3) The definition of “regulated sector” in section 1 of the Act is repealed and the following substituted:

“regulated sector” means a sector that is subject to,

- (a) the *Credit Unions and Caisses Populaires Act, 1994*,
- (b) the *Insurance Act*,
- (c) the *Loan and Trust Corporations Act*,
- (d) the *Mortgage Brokerages, Lenders and Administrators Act, 2006*,
- (e) the *Pension Benefits Act*,
- (f) the *Pooled Registered Pension Plans Act, 2015*, or
- (g) such other legislation as may be prescribed; (“secteur réglementé”)

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

Pension sector

(2) For the purposes of clause (e) of the definition of “regulated sector” in subsection (1), the following persons are included in the sector that is subject to the *Pension Benefits Act*:

- 1. All persons who establish or administer a pension plan within the meaning of the *Pension Benefits Act* and all employers or other persons on their behalf who are required to contribute to any such pension plan.
- 2. Any agent of a person who administers a pension plan within the meaning of the *Pension Benefits Act*.
- 3. Persons prescribed for the purposes of subsection 22 (6) of the *Pension Benefits Act*.

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

Authority continued

(1) The Financial Services Regulatory Authority of Ontario is continued under the name Financial Services Regulatory Authority of Ontario in English and Autorité ontarienne de réglementation des services financiers in French.

4 Section 6 of the Act, as re-enacted by section 3 of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding the following subsection:

Same, no subsidiaries

(3) The Authority shall not establish, acquire or dissolve subsidiary corporations.

5 The Act is amended by adding the following section:

PBGF advisory committee

10.1 (1) The board of directors shall establish a committee to advise the Chief Executive Officer on matters related to the Pension Benefits Guarantee Fund.

Composition

(2) The committee shall be composed of at least three directors.

Committee meetings

(3) The committee shall meet at least four times in each calendar year and at such other times as the chair of the board of directors or the Chief Executive Officer may request.

6 (1) Clause 11 (3) (a) of the Act is amended by adding “in respect of enforcement proceedings commenced by the Authority, other than an order for costs” at the end.

(2) Section 11 of the Act, as re-enacted by section 7 of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding the following subsections:

Insurer

(5) If an insurer does not pay a charge payable to the Authority, the Chief Executive Officer may suspend or cancel the insurer's licence issued under the *Insurance Act*.

Loan and trust corporations

(6) If a corporation registered under the *Loan and Trust Corporations Act* does not pay a charge payable to the Authority, the Chief Executive Officer may revoke the registration of the corporation under that Act.

Mortgage brokerages, etc.

(7) If a person or entity who has a licence issued under the *Mortgage Brokerages, Lenders and Administrators Act, 2006* does not pay a charge payable to the Authority, the Chief Executive Officer may revoke the person's or entity's licence.

Holder of service provider's licence

(8) If a person or entity who holds a service provider's licence issued under Part VI (Automobile Insurance) of the *Insurance Act* does not pay a charge payable to the Authority, the Chief Executive Officer may revoke the licence.

Revival

(9) The Chief Executive Officer may revive the licence or restore the registration, as the case may be, if the entity that owes the charge pays the amount owing.

7 Subsection 15 (1) of the Act is amended by striking out "object" and substituting "objects".

8 The Act is amended by adding the following sections:

GENERAL PROVISIONS

Certificates issued by Chief Executive Officer

20.1 The Chief Executive Officer may issue a certificate,

- (a) stating that, as of a given day,
 - (i) a person or entity was or was not licensed under an Act that confers powers on or assigns duties to the Chief Executive Officer, or
 - (ii) the licence was renewed, suspended, revived, revoked or cancelled;
- (b) stating that, as of a given day,
 - (i) a person or a plan was or was not registered under an Act that confers powers on or assigns duties to the Chief Executive Officer,
 - (ii) the registration was subject to terms or restrictions, or
 - (iii) the registration was revoked;
- (c) stating that a copy of, or extract from, a document or thing in the custody of the Chief Executive Officer is a true copy of, or extract from, the document or thing;
- (d) stating that a copy of, or extract from, a document or information in the custody of the Chief Executive Officer that is not in a written format is a print-out from the document or information on record with the Chief Executive Officer and is a true copy of, or extract from, the document or information;
- (e) stating the date when a document was served on, delivered to or filed with the Chief Executive Officer;
- (f) stating the non-filing of any document or material required or permitted to be filed with the Chief Executive Officer;
- (g) stating the date when the Chief Executive Officer received or issued a document or notification;
- (h) stating when the facts on which a proceeding for an offence is based first came to the knowledge of the Chief Executive Officer; or
- (i) stating the day on which the Chief Executive Officer became aware of a contravention or failure to comply for which an administrative penalty may be imposed under any Act that confers powers on or assigns duties to the Chief Executive Officer.

Admissibility as evidence

20.2 (1) An official document that purports to be signed by or on behalf of the Chief Executive Officer shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or the position of the person appearing to have signed the official document.

Definition

(2) In subsection (1),

“official document” means a certificate, order, decision, licence, direction, inquiry or notice of the Chief Executive Officer under this Act and every other Act that confers powers on or assigns duties to the Chief Executive Officer.

True copies

(3) A true copy certified by the Chief Executive Officer under clause 20.1 (c) or (d) is admissible in evidence to the same extent as and has the same evidentiary value as the document or thing of which it is a copy.

Electronic communication

20.3 The Authority or the Chief Executive Officer shall be deemed to have complied with a requirement to publish or otherwise make available a notice, rule or other information if the Authority or the Chief Executive Officer provides the notice, rule or information in electronic form through an electronic medium or posts it on the Authority’s website.

Format of information, documents etc.

20.4 (1) This section applies with respect to information, including documents, to be provided to or issued by the Authority or the Chief Executive Officer under this or any other Act.

Conflict

(2) In the event of a conflict between this section and a provision of this or any other Act, regulation or Authority rule, this section prevails.

Permitted formats

(3) Despite section 3 of the *Electronic Commerce Act, 2000* or any requirement in or under this or any other Act respecting the format in which a document or information must be provided to or issued by the Chief Executive Officer or the Authority, the document or information may be provided or issued in electronic format or another format the Chief Executive Officer may approve.

Required formats

(4) Despite section 3 of the *Electronic Commerce Act, 2000* or any requirement in or under this or any other Act, the Chief Executive Officer may require a document or information that is to be provided to or issued by the Chief Executive Officer or the Authority to be provided or issued in electronic format or another format specified by the Chief Executive Officer.

Conversion

(5) The Chief Executive Officer may convert a document or information provided to or issued by the Authority or the Chief Executive Officer from one format to another format chosen by the Chief Executive Officer and the Chief Executive Officer is not required to retain the document or information in the format in which it is provided or issued.

Records

(6) The Chief Executive Officer and the Authority may maintain or store records in any format the Chief Executive Officer considers suitable.

9 Section 21 of the Act, as re-enacted by section 11 of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding the following subsection:

Same

(3.1) Despite subsection (2), the Authority may not make rules governing or related to the payment of amounts by employers to the Pension Benefits Guarantee Fund under subsection 82 (3.2) of the *Pension Benefits Act*.

10 (1) Subsection 22 (2) of the Act, as enacted by section 11 of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding the following paragraph:

1.1 A reference to the authority under which the rule is proposed.

(2) Paragraph 7 of subsection 22 (2) of the Act, as enacted by section 11 of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding “to make to the Minister” after “proposes”.

11 The Act is amended by adding the following sections:

TRANSITION FROM FINANCIAL SERVICES COMMISSION OF ONTARIO TO FINANCIAL SERVICES REGULATORY AUTHORITY
OF ONTARIO

Transfer orders

29 (1) Despite anything in the *Financial Services Commission of Ontario Act, 1997* or any other Act, but subject to the processes and requirements set out in this Act and the regulations, the Minister may make orders,

- (a) transferring any or all of the operations, activities and affairs of FSCO to the Authority;
- (b) transferring any or all of the assets, liabilities, rights and obligations of FSCO to the Authority;
- (c) transferring any or all of the liabilities, rights and obligations of the Superintendent of Financial Services to the Chief Executive Officer or to the Authority; and
- (d) requiring the Superintendent of Financial Services, the Authority or the Chief Executive Officer to enter into any written agreement, execute any document or instrument or do such other acts or things as are specified in the order to effect a transfer described in clause (a), (b) or (c).

Contents of order

- (2) An order made under subsection (1),
 - (a) shall specify a date on which the transfer of operations, activities, affairs, assets, liabilities, rights or obligations, as the case may be, takes effect;
 - (b) may specify such terms and conditions as the Minister considers necessary or advisable;
 - (c) may describe assets, liabilities, rights or obligations by reference to specific assets, liabilities, rights or obligations or by reference to classes of assets, liabilities, rights or obligations, or a combination thereof; and
 - (d) may specify that issues arising out of the interpretation of the order be resolved by the method specified in the order.

Amendment

- (3) The Minister may amend an order made under subsection (1).

Non-application of *Legislation Act, 2006*

- (4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

Notice of order

- (5) The Minister shall make an order made under subsection (1) or an amendment made under subsection (3) available to the public.

Assumption of rights, obligations etc.

- 30** (1) If the Minister makes an order under subsection 29 (1),
- (a) the Authority assumes the operations, activities and affairs of FSCO described in the order as of the date of the transfer;
 - (b) all assets, liabilities, rights and obligations of FSCO described in the order continue as the assets, liabilities, rights and obligations of the Authority and are transferred to the Authority, without compensation;
 - (c) all liabilities, rights and obligations of the Superintendent of Financial Services specified in the order continue as the liabilities, rights and obligations of the Chief Executive Officer or the Authority, as the case may be, and are transferred to the Chief Executive Officer or the Authority, as the case may be, without compensation; and
 - (d) proceedings and other activities specified in the order that are commenced or conducted by FSCO or to which FSCO is a party are deemed to be proceedings and other activities commenced or conducted by the Authority or the Chief Executive Officer, or to which the Authority or the Chief Executive Officer is a party, as provided for in the order, and shall be continued as such.

Release from liability or obligation

- (2) The transfer of a liability or obligation under this Act releases FSCO or the Superintendent, as the case may be, from the liability or obligation.

Non-cash expense

- (3) The Crown in right of Ontario may incur non-cash expenses within the meaning of the *Financial Administration Act* in connection with a transfer under this Act.

Rulings, etc.

- (4) A ruling, order or judgment in favour of or against FSCO that is specified in an order made under subsection 29 (1) may be enforced by or against the Authority.

Same

- (5) A ruling, order or judgment in favour of or against the Superintendent of Financial Services that is specified in an order made under subsection 29 (1) may be enforced by or against the Chief Executive Officer.

Civil proceedings etc.

(6) The Authority shall be deemed to be the party plaintiff or applicant, or the party defendant or respondent, as the case may be, in any civil action that is commenced by or against FSCO before the date of the transfer and that is specified in an order made under subsection 29 (1).

Same

(7) The Chief Executive Officer shall be deemed to be the party plaintiff or applicant, or the party defendant or respondent, as the case may be, in any civil action that is commenced by or against the Superintendent of Financial Services before the date of the transfer and that is specified in an order made under subsection 29 (1).

Limitation periods

(8) A civil or other proceeding shall not be commenced against the Authority or the Chief Executive Officer in respect of an asset, liability, right or obligation that has been transferred under this Act if, had there been no transfer, the time for commencing the proceeding would have expired.

No breach, etc.

(9) A transfer under this Act is deemed not to,

- (a) constitute a breach, termination, repudiation or frustration of any agreement, including an insurance contract;
- (b) constitute a breach of any Act, regulation or municipal by-law;
- (c) constitute an event of default or force majeure;
- (d) give rise to a breach, termination, repudiation or frustration of any licence, permit or other right;
- (e) give rise to any right to terminate or repudiate a licence, permit or other right; or
- (f) give rise to any estoppel.

No new cause of action

(10) A transfer under this Act does not create any new cause of action in favour of a party to an agreement with FSCO or the Superintendent of Financial Services, as the case may be, affected by the transfer that was entered into before the transfer.

Transfer binding

(11) Despite any other Act that requires notice or registration of a transfer under this Act, a transfer is binding on FSCO, the Superintendent of Financial Services, the Authority, the Chief Executive Officer and all other persons and entities.

Non-application of other Acts

(12) Any such Acts or provisions as are prescribed by the regulations do not apply to a transfer under this Act.

No expropriation

(13) Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Immunity re transfer

(14) No proceeding for damages or otherwise in respect of a claim arising in connection with a transfer under this Act shall be commenced against,

- (a) The Crown in right of Ontario;
- (b) the Authority;
- (c) the Superintendent of Financial Services;
- (d) the Chief Executive Officer; or
- (e) any employee, agent or appointee of the Crown in right of Ontario or the Authority.

Transfer agreements

31 Despite any other Act, the Minister may enter into agreements, execute such documents and instruments, and do such other things as the Minister considers necessary or advisable to transfer any or all of the assets, liabilities, rights and obligations of FSCO to the Authority.

Regulations

32 The Lieutenant Governor in Council may make regulations,

- (a) supplementing sections 29 and 30 and governing transfers under this Act;

- (b) prescribing Acts or provisions of Acts that do not apply to a transfer for the purpose of subsection 30 (12), subject to such conditions or restrictions as may be prescribed by the regulations.

Stronger, Fairer Ontario Act (Budget Measures), 2017

12 Subsections 1 (2) and (3) of Schedule 16 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

Commencement

13 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Subsections 2 (3) and (4) and sections 4 to 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 12
HOSPITAL LABOUR DISPUTES ARBITRATION ACT**

Preamble

Canadian Blood Services manages the national supply of critical life-saving blood, blood products and stem cells, and related services for Ontario, as well as for other provinces and territories, with the exception of Québec. Canadian Blood Services also provides select national organ and tissue donation and transplantation programs on behalf of these provinces and territories. The delivery of these services by Canadian Blood Services is critical for patient outcomes in Ontario.

Work stoppages at Canadian Blood Services threaten to have serious health consequences for patients and their families, as they impact blood collection, Canadian Blood Services' manufacturing processes, and the delivery of vital blood and blood related products utilized in the health system. Shortages of blood and blood products have the potential to impact and endanger the health and lives of those who need or rely on them for ongoing treatment or in emergency situations.

Canadian Blood Services' supply of Type O-negative red blood cells and platelets is especially time and inventory sensitive. Under normal conditions, Canadian Blood Services can only maintain a few days of Type O-negative red blood cell supply. Platelets have a shelf life of only seven days. An immediate supply pressure on Type O-negative red blood cells and platelets is a major risk to Ontario's and Canada's health systems. Type O-negative red blood cells are a critical product for hospital emergency treatments. Platelets are necessary for trauma patients, life-threatening bleeding, major surgeries and critically ill oncology patients. Any delay or insufficiency in the Type O-negative red blood cell or platelet supply may result in death.

Protecting the health and lives of Ontarians by ensuring that Ontarians have access to a safe and adequate supply of blood, plasma and blood products is a key priority for the Government of Ontario. With almost 50 per cent of the national blood supply collected and produced in Ontario, an interruption of the operations of Canadian Blood Services in this province would also have significant health implications nationally. Having regard to these critical health concerns, the public interest requires an exceptional solution that respects the collective bargaining process but which replaces strikes and lock-outs with a fair and neutral interest arbitration process to resolve disputes that cannot be resolved at the bargaining table.

1 (1) The *Hospital Labour Disputes Arbitration Act* is amended by adding the following section:

Canadian Blood Services

1.1 (1) Canadian Blood Services shall be deemed to be a hospital for the purposes of this Act.

Transition

(2) If, on the day this section comes into force, the Minister has already released, or is deemed to have released under subsection 122 (2) of the *Labour Relations Act, 1995*, a notice to the parties under clause 21 (a) or (b) of that Act in respect of Canadian Blood Services in connection with the round of bargaining underway as of that day, the matters in dispute shall be decided in accordance with this Act.

Same

(3) If any employees of Canadian Blood Services are on strike on the day this section comes into force, the employees shall cease the strike.

Same

(4) If Canadian Blood Services is locking out any employees on the day this section comes into force, it shall cease locking those employees out.

Same

(5) If the rates of wages or any other term and condition of employment of any employee of Canadian Blood Services or any right, privilege or duty of Canadian Blood Services has been altered in compliance with subsection 86 (1) of the *Labour Relations Act, 1995* in connection with the round of bargaining underway as of the day this section comes into force, it shall be restored to that which was in effect on the day before such a change was permitted under that subsection and shall continue in effect until the next collective agreement is settled, unless the parties agree otherwise.

(2) Subsections 1.1 (2), (3), (4) and (5) of the Act, as enacted by subsection (1), are repealed.

Commencement

2 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Subsection 1 (2) comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 13
INSURANCE ACT**

1 Section 1 of the *Insurance Act* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Authority rule” means a rule made under subsection 121.0.1 (1); (“règle de l’Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général de l’Autorité”)

2 The Act is amended by adding the following section:

Electronic format of documents

37 Subject to any specific requirements set out in this Act, the regulations, the Authority rules or other applicable law, including the *Electronic Commerce Act, 2000*, records or other documents that are required to be provided under this Act may be provided in electronic format.

3 Section 42 of the Act is amended by adding the following subsections:

Limit, issuance of licence

(1.1) After the day section 3 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, the Chief Executive Officer cannot issue a licence under subsection (1) to an insurer unless the insurer satisfies at least one of the following criteria:

1. The insurer is incorporated in a jurisdiction in Canada other than Ontario,
 - i. that is prescribed by the Authority rules, and
 - ii. that has adopted international standards of solvency regulation in accordance with the Authority rules.
2. The insurer is a foreign company within the meaning of the *Insurance Companies Act* (Canada) and is authorized by an order of the Superintendent of Financial Institutions (Canada) made under that Act to insure risks in Canada.
3. The insurer is a reciprocal insurance exchange licensed under Part XIII of this Act.
4. The insurer is a mutual insurance corporation incorporated or amalgamated under the *Corporations Act*.
5. The insurer is owned by a province or municipality, or by an agency, commission or subsidiary of a province or municipality.
6. The insurer is an insurer incorporated or owned by a professional regulatory body authorized to provide insurance pursuant to its authorizing statute.

Same

(1.2) For greater certainty, unless an insurer satisfies at least one of the criteria listed in subsection (1.1), the Chief Executive Officer cannot issue a licence under subsection (1.1) to the insurer after the day section 3 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, even if the insurer applied for the licence on or before that date and satisfied the requirements under this Act for the licence as they existed when the application was made.

Limit, licence for purpose of dissolving or winding up

(1.3) If, within three years after the day section 3 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, an insurer does not satisfy at least one of the following criteria, the insurer’s licence is limited to authorizing the insurer to carry on business in Ontario solely for the purpose of dissolving or winding up its business:

1. The insurer is incorporated in a jurisdiction in Canada other than Ontario,
 - i. that is prescribed by the Authority rules, and
 - ii. that has adopted international standards of solvency regulation in accordance with the Authority rules.
2. The insurer is a foreign company within the meaning of the *Insurance Companies Act* (Canada) and is authorized by an order of the Superintendent of Financial Institutions (Canada) made under that Act to insure risks in Canada.
3. The insurer is a reciprocal insurance exchange licensed under Part XIII of this Act.
4. The insurer is a mutual insurance corporation incorporated or amalgamated under the *Corporations Act*.
5. The insurer is owned by a province or municipality, or by an agency, commission or subsidiary of a province or municipality.

6. The insurer is an insurer incorporated or owned by a professional regulatory body authorized to provide insurance pursuant to its authorizing statute.

4 Subsection 43 (4) of the Act is amended by striking out “regulation” at the end and substituting “Authority rule”.

5 The Act is amended by adding the following section:

Revocation of licence

63.1 The Chief Executive Officer may revoke an insurer’s licence under this Act at the request of the insurer.

6 Section 64 of the Act is amended by adding the following subsection:

Exception

(2) After the day section 3 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force, an insurer’s licence cannot be revived unless the insurer satisfies at least one of the criteria listed in subsection 42 (1.3) at the time of the revival.

7 Subsection 101 (1) of the Act is amended by striking out “required by the Superintendent” and substituting “required by the Chief Executive Officer and subject to the Authority rules”.

8 The Act is amended by adding the following section:

Information on claims and repair history

101.2 The Chief Executive Officer or an agency designated by the Chief Executive Officer shall provide the persons prescribed by the Authority rules with the information prescribed by the Authority rules about the claims and repair history, including the costs relating to repairs, of a motor vehicle in accordance with such requirements as may be prescribed by the Authority rules.

9 (1) Subsection 121.0.1 (1) of the Act is amended by adding the following paragraph:

- 1.1. Prescribing jurisdictions other than Ontario and governing the adoption of international standards of solvency regulation for the purposes of paragraph 1 of subsection 42 (1.1) and paragraph 1 of subsection 42 (1.3).

(2) Subsection 121.0.1 (1) of the Act is amended by adding the following paragraph:

- 8.1 Prescribing persons, information and other requirements for the purposes of section 101.2.

10 Subsections 238 (4) and (6) of the Act, as re-enacted by section 19 of Schedule 21 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, are amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

11 Section 289 of the Act is repealed and the following substituted:

Review of this Part

289 (1) The Chief Executive Officer shall undertake a review of this Part and any related regulations or rules at least every three years or more often at the request of the Minister.

Report

(2) The Chief Executive Officer shall give a report to the Minister setting out the results of the review, any recommendations made by the Chief Executive Officer and such other information as the Minister may request.

Initial review

(3) The Chief Executive Officer shall begin a review under this section within three years after the day section 11 of Schedule 13 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* comes into force.

Minister appointed reviewer

(4) The Minister may at any time appoint a person other than the Chief Executive Officer to undertake a review of this Part and any related regulations or rules and to provide a report to the Minister setting out the results of the review, any recommendations made by the person and such other information as the Minister may request.

12 Subsections 410 (2.1), (4.1), (4.2) and (4.3) of the Act are amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

13 Section 411 of the Act, as re-enacted by section 31 of Schedule 21 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

14 Subsections 417 (1) and (2) of the Act, as re-enacted by section 35 of Schedule 21 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, are amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

15 Subsection 435.3 (1) of the Act is amended by striking out “regulations” wherever it appears and substituting in each case “Authority rules”.

16 Clause 437.13 (2) (c) of the Act is repealed and the following substituted:

(c) the entity is a holding company that is prescribed by the Authority rules for the purposes of this clause and the circumstances prescribed in the Authority rules apply.

17 Section 437.18 of the Act is amended by striking out “regulations” wherever it appears and substituting in each case “Authority rules”.

18 Section 437.19 of the Act is amended by striking out “regulations” wherever it appears and substituting in each case “Authority rules”.

19 Section 437.22 of the Act is amended by striking out “regulations” wherever it appears and substituting in each case “Authority rules”.

20 The definition of “unfair or deceptive acts or practices” in section 438 of the Act is amended by adding “by the Authority rules” after “prescribed”.

21 Subsection 440 (4) of the Act is amended by striking out “prescribed” wherever it appears and substituting in each case “prescribed by the Authority rules”.

22 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

1. The definition of “Superintendent” in section 1.
2. Subsection 42 (1.1).
3. Subsection 42 (1.3).
4. Subsection 121 (2), as re-enacted by subsection 9 (6) of Schedule 21 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*.

23 The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

24 The Act is amended by striking out “the Commission” wherever it appears in the following provisions and substituting in each case “the Authority”:

1. Subsection 5.1 (1).
2. Clause 25 (2) (b).
3. Section 116.
4. Section 446.
5. Clause 447 (2) (a).

Jobs for Today and Tomorrow Act (Budget Measures), 2016

25 Sections 1 and 2 of Schedule 14 to the *Jobs for Today and Tomorrow Act (Budget Measures), 2016* are repealed. *Stronger, Fairer Ontario Act (Budget Measures), 2017*

26 Sections 1 and 4 of Schedule 21 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

Commencement

27 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1 to 24 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 14
LABOUR RELATIONS ACT, 1995**

1 (1) Clause 43 (12) (b) of the *Labour Relations Act, 1995* is amended by adding the following subclause:

(i.1) if the trade union was certified pursuant to an application made under subsection 127.3 (2), (3) or (4),

(2) Clause 43 (12) (b) of the Act is amended by striking out “or” at the end of subclause (ii) and by adding the following subclause:

(ii.1) if the trade union was certified pursuant to an application made under subsection 150.7 (1), or

2 The Act is amended by adding the following section:

INTERFERENCE WITH THE LOCAL TRADE UNION

Interference with local trade union

Definitions

89.1 (1) In this section,

“constitution” means an organizational document governing the establishment or operation of a trade union and includes a charter and by-laws and rules made under a constitution; (“acte constitutif”)

“local trade union” means, in relation to a parent trade union, a trade union in Ontario that is affiliated with or subordinate or directly related to the parent trade union and includes a council of trade unions; (“syndicat local”)

“parent trade union” means a provincial, national or international trade union which has at least one affiliated local trade union in Ontario that is subordinate or directly related to it. (“syndicat parent”)

Interference

(2) A parent trade union or a council of trade unions shall not, without just cause, assume supervision or control of or otherwise interfere with a local trade union directly or indirectly in such a way that the autonomy of the local trade union is affected.

Same, officials and members

(3) A parent trade union or a council of trade unions shall not, without just cause, remove from office, change the duties of an elected or appointed official of a local trade union or impose a penalty on such an official or on a member of a local trade union.

Board powers

(4) On an application relating to this section, when deciding whether there is just cause, the Board shall consider the trade union constitution but is not bound by it and shall consider such other factors as it considers appropriate.

Orders when just cause

(5) If the Board determines that an action described in subsection (2) was taken with just cause, the Board may make such orders and give such directions as it considers appropriate, including orders respecting the continuation of supervision or control of the local trade union.

3 Subsection 110 (18) of the Act is amended by adding the following paragraph:

1.1 Section 89.1 (interference with local trade union).

4 Subsection 125 (1) of the Act is amended by adding the following clauses:

(1.0.0.1) prescribing modifications for the purposes of paragraphs 2, 5 and 7 of subsection 150.7 (1);

(1.0.0.2) governing and modifying the application of this Act in relation to the circumstances with respect to which subsection 150.7 (1) or subsection 153 (3) or (3.1) applies and providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with an exercise of the Minister’s authority under subsection 150.7 (1) or subsection 153 (3) or (3.1);

(1.0.2) prescribing modifications for the purposes of paragraph 1 of subsection 153 (3.1);

5 Section 149 of the Act is repealed.

6 The Act is amended by adding the following section:

SPECIAL RULES FOR CONCRETE FORMWORK IN CERTAIN AREAS

Carpenters' District Council of Ontario

150.7 (1) The following apply with respect to the Carpenters' District Council of Ontario in respect of construction employees engaged in concrete formwork in Ontario Labour Relations Board geographic area number 1, 3 or 28, as those areas were set on January 1, 2018:

1. The Carpenters' District Council of Ontario may make an application for certification to be dealt with under section 8 or 128.1 or enter into a voluntary recognition agreement in respect of a bargaining unit consisting of all the construction employees of an employer who are engaged in concrete formwork in one or more geographic areas and the unit shall be deemed to be appropriate for the purposes of collective bargaining.
2. An affiliated bargaining agent of the Carpenters' District Council of Ontario may apply, under section 154, to be certified to represent in bargaining a bargaining unit of the employees, and section 154 applies with necessary modifications and with such modifications as are prescribed. If an affiliated bargaining agent is certified, this section applies with respect to the agent as though it were the Carpenters' District Council of Ontario.
3. Subject to paragraph 5, the Minister may, upon such terms and conditions as the Minister considers appropriate, despite an accreditation of an employers' organization as the bargaining agent of employers other than under paragraph 5, designate an employers' organization to represent in bargaining the employers of the employees for whom the Carpenters' District Council of Ontario holds bargaining rights pursuant to paragraph 1.
4. Subject to paragraph 5, the Minister may alter, revoke or amend a designation made under paragraph 3 from time to time and may make another designation under that paragraph.
5. An employers' organization may apply, under section 155, to be accredited to represent in bargaining the employers of the employees for whom the Carpenters' District Council of Ontario holds bargaining rights pursuant to paragraph 1, and section 155 applies with necessary modifications and with such modifications as are prescribed. If an employers' organization is accredited, this section applies with respect to the organization as though it were an organization designated by the Minister under paragraph 3.
6. Sections 151 to 167 do not apply with respect to the Carpenters' District Council of Ontario, an employers' organization designated under paragraph 3 or a collective agreement between them with respect to the employees for whom the Carpenters' District Council of Ontario holds bargaining rights pursuant to paragraph 1, except as provided in this section or as provided for in the regulations.
7. Sections 156, 157, 162, 163, 164, 165 and 167 apply, with necessary modifications and with such modifications as are prescribed, with respect to,
 - i. the Carpenters' District Council of Ontario if the Carpenters' District Council of Ontario holds bargaining rights pursuant to paragraph 1,
 - ii. an employers' organization designated under paragraph 3, and
 - iii. a collective agreement between the Carpenters' District Council of Ontario and an employers' organization designated under paragraph 3 with respect to the employees for whom the Carpenters' District Council of Ontario holds bargaining rights pursuant to paragraph 1.

Definition

(2) In subsection (1),

“affiliated bargaining agent” means a bargaining agent that, according to established trade union practice in the construction industry, represents employees who commonly bargain separately and apart from other employees and is subordinate or directly related to, or is, a provincial, national or international trade union.

Other trade unions, etc. not limited

(3) Subsection (1) does not prevent another trade union or council of trade unions that is otherwise authorized to do so under this Act from making an application to be certified as, or entering into a voluntary recognition agreement to be recognized as, the bargaining agent of the employees with respect to whom subsection (1) applies or from representing or continuing to represent those employees.

Non-application

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a designation made under paragraph 3 of subsection (1).

7 Subsection 153 (3) of the Act is repealed and the following substituted:

Exclusion may be limited geographically

(3) An exclusion, under subsection (2), of a bargaining relationship related to concrete formwork may be limited by the Minister to specified geographic areas, and the following apply if an exclusion is so limited:

1. For greater certainty, the exclusion applies in the specified geographic areas and a collective agreement for those areas is deemed to be a province-wide collective agreement for the purposes of this section.
2. With respect to employees working in the geographic areas where the exclusion does not apply,
 - i. if an employer was bound, immediately before the geographic limitation took effect, by a formwork agreement, the employer is bound by the corresponding provincial agreements, subject to sub-subparagraph ii A,
 - ii. if an employer was bound, immediately before the geographic limitation took effect, by a formwork agreement in respect of a concrete formwork project that was already underway when the geographic limitation took effect,
 - A. subparagraph i does not apply to the employer in respect of that project, and
 - B. the formwork agreement, including any renewal formwork agreement bargained by the council under subparagraph iii, continues to bind the employer in respect of that project until the project is concluded,
 - iii. while the employer is bound, under sub-subparagraph ii B, by the formwork agreement, the council of trade unions that bargained for the formwork agreement shall continue to represent the employees with respect to whom the formwork agreement applies under sub-subparagraph ii B as their bargaining agent and, for greater certainty, the council may bargain for the renewal of the formwork agreement, with or without modifications,
 - iv. the following apply with respect to employees with respect to whom a formwork agreement applied immediately before the geographic limitation took effect, if there is no corresponding provincial agreement that would apply with respect to the employees under subparagraph i:
 - A. if subparagraph ii applies in respect of the employees,
 1. an application for certification in respect of the employees, to be dealt with under section 8 or 128.1, may be made at any time, despite any limit on when such an application may be made that would otherwise apply because the employer is bound by a formwork agreement under subparagraph ii or because the council of trade unions represents the employees as their bargaining agent under subparagraph iii, and
 2. subparagraphs ii and iii cease to apply with respect to the employees if a union is certified to represent the employees, or
 - B. if subparagraph ii does not apply in respect of the employees, for greater certainty, an application for certification may be made or a voluntary recognition agreement entered into in respect of the employees in the same way as could be done if no trade union were certified as bargaining agent of the employees and the employees were not bound by a collective agreement.

Exclusion may be limited to bargaining agents

(3.1) A limitation to a specified geographic area under subsection (3) may apply to the exclusion of a bargaining relationship under subsection (2) in the designation, under subsection (1), of only one of the employee bargaining agencies, and the following apply if the limitation applies in that way:

1. The paragraphs of subsection (3) apply, with necessary modifications and with such modifications as are prescribed, with respect to the employees who, as a result of the application of the limitation to the exclusion in the designation of only one of the employee bargaining agencies, are no longer represented by an affiliated bargaining agent that is part of the council of trade unions referred to in subsection (2).
2. If the application of the limitation results in there being only a single affiliated bargaining agent for a geographic area, that single affiliated bargaining agent is deemed to be a council of trade unions for that area for the purposes of subsection (2).
3. A corresponding limitation may be made to the exclusion of a bargaining relationship under subsection (2) in the designation, under subsection (1), of one or more employer bargaining agencies.

Definitions

(3.2) In subsection (3),

“corresponding provincial agreement” means, in relation to a formwork agreement, a provincial agreement entered into by the employee bargaining agency designated to represent in bargaining provincial units of any of the affiliated bargaining agents that bargained for the formwork agreement; (“convention provinciale correspondante”)

“formwork agreement” means a province-wide collective agreement, related to concrete formwork, between the council of trade unions and the single employer bargaining agency in a bargaining relationship excluded under subsection (2) and

includes any renewal formwork agreement bargained by the council of trade unions under subparagraph 2 iii of subsection (3). (“convention sur le coffrage”)

Interpretation – when a project is “underway”

(3.3) For the purposes of subparagraph 2 ii of subsection (3), a concrete formwork project is underway if,

- (a) a contract for the project has been entered into; or
- (b) a procurement process for the project has been commenced.

Examples, procurement process

(3.4) For the purposes of clause (3.3) (b), examples of the commencement of a procurement process include the making of a request for qualifications, a request for proposals or a call for tenders.

8 Subsection 162 (2) of the Act is amended by adding “150.7” before “153”.

Commencement

9 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1, 4, 6, 7 and 8 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 15
LAW SOCIETY ACT**

1 (1) The definition of “Appeal Division” in subsection 1 (1) of the *Law Society Act* is amended by striking out “Law Society Appeal Division” and substituting “Law Society Tribunal Appeal Division”.

(2) The definition of “Hearing Division” in subsection 1 (1) of the Act is amended by striking out “Law Society Hearing Division” and substituting “Law Society Tribunal Hearing Division”.

(3) The definition of “Society” in subsection 1 (1) of the Act is amended by striking out “The Law Society of Upper Canada” and substituting “the Law Society of Ontario”.

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

Law Society continued

(1) The Law Society of Upper Canada is continued under the name Law Society of Ontario in English and Barreau de l’Ontario in French.

3 Section 29 of the Act is amended by adding the following subsection:

Same

(2) Every person licensed to provide legal services in Ontario is an officer of every court of record in Ontario in which such a person is authorized under this Act to represent a party to a proceeding.

4 Subsection 49.20.1 (2) of the Act is amended by striking out “the Law Society Hearing Division and the Law Society Appeal Division” at the end and substituting “the Law Society Tribunal Hearing Division and the Law Society Tribunal Appeal Division”.

5 Subsection 49.21 (1) of the Act is repealed and the following substituted:

Hearing Division

(1) The Law Society Hearing Division of the Tribunal is continued under the name Law Society Tribunal Hearing Division in English and Section de première instance du Tribunal du Barreau in French.

6 Subsection 49.29 (1) of the Act is repealed and the following substituted:

Appeal Division

(1) The Law Society Appeal Division of the Tribunal is continued under the name Law Society Tribunal Appeal Division in English and Section d’appel du Tribunal du Barreau in French.

7 Sections 64 and 65 of the Act are repealed.

Courts of Justice Act

8 (1) The following provisions of the *Courts of Justice Act* are amended by striking out “The Law Society of Upper Canada” wherever it appears and substituting in each case “the Law Society of Ontario”:

1. **Clauses 49 (2) (e) and (f).**
2. **Clause 65 (2) (h).**
3. **Clause 69 (2) (j).**

(2) Clause 43 (2) (b) of the Act is repealed and the following substituted:

- (b) three lawyers, one appointed by the Law Society of Ontario, one by the Canadian Bar Association-Ontario and one by the Federation of Ontario Law Associations;

(3) Clause 67 (2) (k) of the Act is amended by striking out “The Law Society of Upper Canada” at the end and substituting “the Law Society of Ontario”.

(4) Clause 79 (2) (c) of the Act is repealed and the following substituted:

- (c) three lawyers appointed by the Law Society of Ontario and three lawyers appointed by the Federation of Ontario Law Associations; and

Fair Access to Regulated Professions and Compulsory Trades Act, 2006

9 Paragraph 7 of Schedule 1 to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:

7. The Law Society of Ontario.

Health Care Consent Act, 1996

10 Subclause 73 (2) (b) (ii) of the *Health Care Consent Act, 1996* is amended by striking out “Law Society of Upper Canada” and substituting “Law Society of Ontario”.

Justices of the Peace Act

11 (1) Paragraph 4 of subsection 2.1 (4) of the *Justices of the Peace Act* is amended by striking out “Law Society of Upper Canada” at the end and substituting “Law Society of Ontario”.

(2) Clause 8 (3) (f) of the Act is amended by striking out “Law Society of Upper Canada” at the end and substituting “Law Society of Ontario”.

Legal Aid Services Act, 1998

12 The definition of “Law Society” in section 2 of the *Legal Aid Services Act, 1998* is amended by striking out “The Law Society of Upper Canada” at the end and substituting “the Law Society of Ontario”.

Ontario Labour Mobility Act, 2009

13 Item 32 of Table 1 of the *Ontario Labour Mobility Act, 2009* is amended by striking out “The Law Society of Upper Canada” in column 3 and substituting “Law Society of Ontario”.

Commencement

14 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

**SCHEDULE 16
LOAN AND TRUST CORPORATIONS ACT**

1 Section 1 of the *Loan and Trust Corporations Act* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 Section 190 of the Act is amended by striking out “Superintendent” and substituting “Authority”.

3 Clause 222 (1) (a) of the Act is amended by striking out “its chief executive officer” and substituting “the chief executive officer of the corporation”.

4 The Act is amended by adding the following section:

Regulations: transfer Superintendent powers, duties and functions

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

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) deeming references in this Act or the regulations to the Superintendent to be references to the Authority or the Chief Executive Officer;
- (c) governing transitional matters that may arise due to the transfers described in clause (a) or the deeming of references described in clause (b).

Same

(2) A regulation made under subsection (1) is subject to such conditions, limitations and restrictions as may be prescribed.

Conflicts

(3) If there is a conflict between a regulation made under subsection (1) and any Act or any other regulation, the regulation made under subsection (1) prevails, unless the Act or other regulation specifies that it prevails.

5 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

1. The definition of “Superintendent” in section 1.
2. Section 223.0.1.

6. The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

Commencement

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

SCHEDULE 17
MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT, 2006

1 Section 1 of the *Mortgage Brokerages, Lenders and Administrators Act, 2006* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Authority rule” means a rule made under subsection 55 (1); (“règle de l’Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

1. The definition of “Superintendent” in section 1.

2. Section 55.1.

3 The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

4 Clause 53 (a) of the Act is amended by striking out “Financial Services Commission of Ontario” at the end and substituting “Authority”.

Stronger, Fairer Ontario Act (Budget Measures), 2017

5 Subsection 1 (1) of Schedule 27 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* is repealed.

Commencement

6 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1 to 3 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 18
MUNICIPAL TAX ASSISTANCE ACT**

1 Section 1 of the *Municipal Tax Assistance Act* is amended by adding the following definition:

“tenant” means a tenant within the meaning of section 18 of the *Assessment Act*. (“locataire”)

2 (1) Subsection 3 (1) of the Act is repealed and the following substituted:

Non-application

(1) Subject to the regulations, this Act does not apply to,

- (a) parks operated under the *Niagara Parks Act* or the *St. Lawrence Parks Commission Act*, hospitals, penal institutions, educational institutions, museums, libraries, highways, correctional institutions, cemeteries, minerals, cooling stations, weigh-scales and inspection stations, fish hatcheries or provincial forests;
- (b) real property that is subject to municipal taxation under section 18 of the *Assessment Act*; or
- (c) unpatented lands, unless they are occupied by a tenant.

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

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

Crown tenants

(3) Despite subsections (1) and (2), the following rules apply to provincial property occupied by a tenant:

1. The Minister or Crown agency that owns the property may pay in each year to the municipality in which the property is situate an amount equal to the tax for municipal and school purposes that would be payable if the property were taxable.
2. Unless the parties have agreed otherwise, the tenant shall owe a debt to the Crown or Crown agency, as the case may be, equal to the amount paid under paragraph 1.
3. If the Crown or Crown agency that owns the provincial property is required, under an agreement made before January 1, 1998, to pay any tax payable as a result of the application of section 18 of the *Assessment Act*, the tenant’s debt under paragraph 2 shall be reduced to the extent that the Crown or Crown agency would have been required under the agreement to pay the tax payable if section 18 of the *Assessment Act* still applied.

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

Same

(4.1) A regulation under subsection (4) may provide either or both of the following:

1. Despite subsection 3 (1), the regulation applies to property described in that subsection.
2. If the property has a tenant, the tenant owes a debt to the Crown or Crown agency, as the case may be, equal to the amount paid to the municipality under the regulation, subject to such reductions as may be specified.

Commencement

4 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

SCHEDULE 19
ONTARIO COLLEGE OF TEACHERS ACT, 1996

1 (1) Subsection 1 (1) of the *Ontario College of Teachers Act, 1996* is amended by adding the following definitions:

“health professional” means a member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*; (“professionnel de la santé”)

“personal health information” has the same meaning as in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels sur la santé”)

(2) Paragraph 1 of subsection 1 (3) of the Act is repealed and the following substituted:

1. Subsections 26 (4) and (4.11).

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

- 3.1 Clause 29.2 (1) (b).
- 3.2 Subsection 29.2 (3).

- 4.1 Subsections 30.2 (1) and (2).

(4) Subsection 1 (3) of the Act is amended by adding the following paragraph:

9. Section 58.1.

2 Subsection 23 (2.4) of the Act is repealed.

3 (1) Section 26 of the Act is amended by adding the following subsections:

Referral for interim order

(1.2.1) The Investigation Committee may refer a complaint to the Council or the Executive Committee to make an interim order under section 29.2.

Same

(1.2.2) The Investigation Committee shall continue to consider and investigate the complaint that has been referred to the Council or the Executive Committee under subsection (1.2.1).

(2) Subsection 26 (2) of the Act is amended by striking out “subsection (1)” in the portion before clause (a) and substituting “subsections (1) and (1.2.2)”.

(3) Section 26 of the Act is amended by adding the following subsections:

Incapacity of member

(4.5) If the Investigation Committee believes that the member may be incapacitated, the Committee shall make the inquiries it considers appropriate.

Notice to member re incapacity

(4.6) The Investigation Committee shall give the member notice that it intends to inquire into whether the member is incapacitated.

If grounds to believe member is incapacitated

(4.7) If, after making inquiries, the Investigation Committee has reasonable and probable grounds to believe that the member is incapacitated, it may,

- (a) require the member to submit to physical or mental examinations which shall be conducted or ordered by a health professional specified by the Committee; and
- (b) make an order, subject to subsection (4.10), directing the Registrar to suspend the member’s certificate of qualification and registration until the member submits to the examinations.

Report

(4.8) A health professional who conducts an examination of a member required under clause (4.7) (a) shall, following the examination, provide to the Investigation Committee a report containing,

- (a) an assessment of whether the member is or has been incapacitated;
- (b) an assessment of the extent of any incapacity and the prognosis for recovery; and
- (c) any further physical or mental considerations that are relevant to the matter before the Committee.

Copies of report

(4.9) The Investigation Committee shall give a copy of any report referred to in subsection (4.8) to the member and may give a copy of the report to,

- (a) the Executive Committee, for the purposes of determining whether an interim order should be made under subsection 29 (3) or 29.2 (1); or
- (b) the Fitness to Practise Committee, if the matter is referred to that committee under clause (5) (a).

Order to suspend

(4.10) No order shall be made under clause (4.7) (b), unless the member has been given,

- (a) notice of the Investigation Committee's intention to make the order; and
- (b) at least the prescribed time period to make written submissions in respect of the order to the Investigation Committee.

Same

(4.11) Despite clause (4.10) (b), an order may be made without notice to the member, subject to the right of the member to make submissions while the suspension is in place, if the Investigation Committee is of the opinion on reasonable and probable grounds that the physical or mental state of the member exposes or is likely to expose a student to harm or injury and urgent intervention is needed.

Same

(7.1) Despite subsection (7), the Registrar shall not disclose personal health information regarding the member to the complainant, including, without limitation, personal health information set out in any report provided under subsection (4.8).

4 Subsection 29.1 (1) of the Act is amended by striking out "section 72 of the *Child and Family Services Act*" and substituting "section 125 of the *Child, Youth and Family Services Act, 2017*".

5 The Act is amended by adding the following section:

Interim suspension

29.2 (1) The Council or the Executive Committee may make an interim order directing the Registrar to suspend a member's certificate of qualification and registration or impose terms, conditions or limitations on a member's certificate of qualification and registration if,

- (a) a complaint is referred to the Council or the Executive Committee by the Investigation Committee under subsection 26 (1.2.1) or following the appointment of an investigator under section 36; and
- (b) the Council or the Executive Committee is of the opinion that the actions or conduct of the member exposes or is likely to expose a student to harm or injury.

Restriction

(2) No order shall be made under subsection (1) unless the member has been given,

- (a) notice of the Executive Committee's or the Council's intention to make the order; and
- (b) at least 14 days to make written submissions to the Executive Committee or the Council.

Same

(3) Clause (2) (b) does not apply where the Executive Committee or the Council is of the opinion that the delay would be inappropriate in view of the risk of harm or injury to a student.

No hearing

(4) Except as provided by this section, the Executive Committee or the Council need not hold a hearing or afford any person an opportunity to make oral or written submissions before making a decision or giving a direction under this section.

Procedure following order

(5) If an order is made under subsection (1), the Investigation Committee shall consider and investigate the matter in accordance with section 26 expeditiously.

Same

(6) If the Investigation Committee directs under clause 26 (5) (a) that the matter be referred, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee,

- (a) the College shall prosecute the matter expeditiously; and
- (b) the Discipline Committee or the Fitness to Practise Committee shall give precedence to the matter.

Duration of order

(7) An order under subsection (1) continues in force until the Investigation Committee makes a decision under clauses 26 (5) (b) to (d) or the matter is disposed of by the Discipline Committee or the Fitness to Practise Committee.

6 Subsection 30 (4) of the Act is amended by adding the following paragraphs:

5. If the act of professional misconduct consists of or includes sexual abuse or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 58.1.
6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5.

7 (1) Subsection 30.2 (1) of the Act is repealed and the following substituted:

Orders relating to sexual abuse and child pornography

(1) Where, under section 30, the Discipline Committee finds a member guilty of an act of professional misconduct consisting of, or including, sexual abuse of a student or a prohibited act involving child pornography, the Committee shall, in addition to anything else the Committee may do under subsection 30 (5),

- (a) make an order requiring that the member be reprimanded by the Committee;
- (b) if the act of professional misconduct did not consist of, or include, an act listed in subsection (2) and the Discipline Committee has not otherwise made an order revoking the member's certificate, make an order directing the Registrar to suspend the member's certificate; and
- (c) if the act of professional misconduct consisted of, or included, an act listed in subsection (2),
 - (i) make an interim order directing the Registrar to suspend the member's certificate until the Committee makes an order under subclause (ii), and
 - (ii) make an order directing the Registrar to revoke the member's certificate.

(2) Paragraph 1 of subsection 30.2 (2) of the Act is amended by adding the following subparagraphs:

- vi. Touching of a sexual nature of the student's genitals, anus, breasts or buttocks.
- vii. Other conduct of a sexual nature prescribed by regulations made under clause 42 (1) (c.1).

8 Section 32 of the Act is amended by adding the following subsections:

Fitness to Practise Committee, reports of health professionals

(3.1) A report prepared and signed by a health professional containing his or her findings and the facts upon which they are based, including the personal health information of the member, is admissible as evidence at a hearing of the Fitness to Practise Committee without proof of its making or of the health professional's signature if the party introducing the report gives the other parties a copy of the report at least 10 days before the hearing.

Fitness to Practise Committee, testimony of health professionals

(3.2) A health professional may not give evidence in his or her professional capacity at a hearing of the Fitness to Practise Committee unless a report, prepared and signed by the health professional containing his or her findings and the facts upon which they are based, including the personal health information of the member, is introduced as evidence.

Fitness to Practise Committee, cross-examination

(3.3) If a report described in subsection (3.1) is introduced by a party, the other parties may summon and cross-examine the person who prepared the report.

Exception

(3.4) The Fitness to Practise Committee may, in its discretion, allow a party to introduce evidence that is inadmissible under this section and may make directions it considers necessary to ensure that the other parties are not prejudiced.

9 (1) Paragraph 24.1 of subsection 40 (1) of the Act is amended by striking out "Child and Family Services Act" and substituting "Child, Youth and Family Services Act, 2017".

(2) Subsection 40 (1) of the Act is amended by adding the following paragraphs:

32. prescribing alternative requirements for eligibility for funding under clause 58.1 (3) (b);
33. prescribing the circumstances in respect of which a person's eligibility for funding ceases for the purposes of subsection 58.1 (6).

10 Subsection 41 (1) of the Act is amended by adding the following paragraphs:

34. requiring members to pay specified amounts to pay for the program required under section 58.1, including amounts,
 - i. that are specified in the by-law, or
 - ii. that are calculated according to a method set out in the by-law;
35. authorizing the College to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 58.1 and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose.

11 (1) Subsection 42 (1) of the Act is amended by adding the following clause:

(c.0.1) prescribing a time period for the purposes of clause 26 (4.10) (b);

(2) Subsection 42 (1) of the Act is amended by adding the following clause:

(c.1) prescribing other conduct of a sexual nature for the purposes of subparagraph 1 vii of subsection 30.2 (2);

(3) Subsection 42 (1) of the Act is amended by adding the following clauses:

(d.0.1) governing funding under the program required under section 58.1, including regulations,

- (i) prescribing the maximum amount, or a means of establishing the maximum amount, of funding that may be provided for a person in respect of a case of sexual abuse or a prohibited act involving child pornography,
- (ii) prescribing the period of time during which funding may be provided for a person in respect of a case of sexual abuse or a prohibited act involving child pornography;

(d.0.2) prescribing additional purposes for which funding may be provided under the program the College is required to maintain under section 58.1, and prescribing additional persons or classes of persons to whom funding may be paid for the purposes of subsection 58.1 (9);

12 Subsection 43.4 (1) of the Act is amended by adding the following paragraph:

- 2.1 If an interim order respecting a member is made under subsection 29.2 (1), the Registrar shall provide a copy of the order to the member's employer.

13 The Act is amended by adding the following Part:

**PART X.1
FUNDING FOR THERAPY AND COUNSELLING**

Funding provided by College

58.1 (1) There shall be a program, established and administered by the College, to provide funding for the following purposes in connection with allegations of sexual abuse or a prohibited act involving child pornography by members:

1. Therapy and counselling for the student who is the subject of sexual abuse or of a prohibited act involving child pornography in which an allegation has been made against a member.
2. Any other purposes prescribed by regulations made under clause 42 (1) (d.0.2).

Funding governed by regulations

(2) The funding shall be provided in accordance with the regulations.

Eligibility

(3) A person is eligible for funding if,

- (a) it is alleged in a complaint or report against a member received by the College that the student was the subject of sexual abuse or of a prohibited act involving child pornography and, in the opinion of the College, the student was, at the time of the alleged sexual abuse or prohibited act involving child pornography, a student the member supervised or was responsible for in the course of the member's practice; or
- (b) the alternative requirements prescribed by the regulations made by the Council are satisfied.

Timing

(4) Where a request is made for funding pursuant to subsection (1), a determination of the person's eligibility for such funding in accordance with subsection (3) shall be made within a reasonable period of time of the request having been received.

Not a finding

(5) The determination of a person's eligibility for funding in accordance with subsection (3) does not constitute a finding against the member and shall not be considered by any committee of the College dealing with the member.

Cessation of eligibility

(6) Despite subsection (3), a person's eligibility to receive funding pursuant to subsection (1) ceases upon the occurrence of any of the prescribed circumstances.

No assessment

(7) A person is not required to undergo a psychological or other assessment before receiving funding.

Choice of therapist or counsellor

(8) A person who is eligible for funding under subsection (3) is entitled to choose any therapist or counsellor, subject to the following restrictions:

1. The therapist or counsellor must not be a person to whom the eligible person has any family relationship.
2. The therapist or counsellor must not be a person who, to the College's knowledge, has at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature.
3. If the therapist or counsellor is not a health professional, the College may require the person to sign a document indicating that he or she understands that the therapist or counsellor is not subject to professional discipline.

Payment

(9) Funding shall be paid only to the therapist or counsellor chosen by the person or to other persons or classes of persons prescribed by any regulation made under clause 42 (1) (d.0.2).

Use of funding

(10) Funding shall be used only to pay for therapy or counselling and for any other purposes prescribed by any regulation made under clause 42 (1) (d.0.2) and shall not be applied directly or indirectly for any other purpose.

Same

(11) Funding may be used to pay for therapy or counselling that was provided at any time after the alleged sexual abuse or prohibited act involving child pornography took place.

Other coverage

(12) The funding that is provided to a person for therapy and counselling shall be reduced by the amount that the Ontario Health Insurance Plan or a private insurer is required to pay for therapy or counselling for the person during the period of time during which funding may be provided for the person under the program.

Right of recovery

(13) The College is entitled to recover from the member, in a proceeding brought in a court of competent jurisdiction, money paid in accordance with this section for an eligible person where the Discipline Committee has made a finding that,

- (a) the member has committed an act of professional misconduct that consisted of or included sexual abuse or a prohibited act of child pornography; and
- (b) the eligible person was the subject of the sexual abuse or the prohibited act involving child pornography.

Person not required to testify

(14) The eligible person shall not be required to appear at or testify in the proceeding referred to in subsection (13).

14 The Act is amended by adding the following section:**Transition: *Plan for Care and Opportunity Act (Budget Measures), 2018***

63.2 Section 30.2, as amended by Schedule 19 of the *Plan for Care and Opportunity Act (Budget Measures), 2018* applies to an act of professional misconduct that consists of or includes sexual abuse of a student that occurred before the day section 14 of that Schedule came into force, if no order has been made in respect of the matter under subsection 30 (4) before the commencement date.

Commencement

15 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Subsections 1 (1), (2) and (4), section 2, subsection 3 (3), sections 6 and 8, subsection 9 (2), section 10, subsections 11 (1) and (3) and section 13 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 4 and subsection 9 (1) come into force on the day subsection 34 (1) of Schedule 1 to the *Supporting Children, Youth and Families Act, 2017* comes into force.

SCHEDULE 20
ONTARIO LABOUR MOBILITY ACT, 2009

1 (1) Item 31.1 of Table 1 to the *Ontario Labour Mobility Act, 2009* is amended by striking out “Financial Services Commission of Ontario” and substituting “Financial Services Regulatory Authority of Ontario.

(2) Item 32.1 of Table 1 to the Act is amended by striking out “Financial Services Commission of Ontario” and substituting “Financial Services Regulatory Authority of Ontario.

Commencement

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

SCHEDULE 21
ONTARIO LOAN ACT, 2018

Borrowing authorized

1 (1) The Lieutenant Governor in Council may borrow in any manner provided by the *Financial Administration Act* such sums, not exceeding a total aggregate amount of \$16 billion, as are considered necessary to discharge any indebtedness or obligation of Ontario or to make any payment authorized or required by any Act to be made out of the Consolidated Revenue Fund.

Other Acts

(2) The authority to borrow conferred by this Act is in addition to that conferred by any other Act.

Expiry

2 (1) No order in council authorizing borrowing authorized under this Act shall be made after December 31, 2020.

Same

(2) The Crown shall not borrow money after December 31, 2021 under the authority of an order in council that authorizes borrowing under this Act unless, on or before December 31, 2021,

- (a) the Crown has entered into an agreement to borrow the money under the order in council; or
- (b) the Crown has entered into an agreement respecting a borrowing program and the agreement enables the Crown to borrow up to a specified limit under the order in council.

Commencement

3 The Act set out in this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

Short title

4 The short title of the Act set out in this Schedule is the *Ontario Loan Act, 2018*.

SCHEDULE 22**ONTARIO PUBLIC SERVICE EMPLOYEES' UNION PENSION ACT, 1994**

1 Section 14.1 of the *Ontario Public Service Employees' Union Pension Act, 1994* is amended by striking out "Superintendent of Pensions" wherever it appears and substituting in each case "Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*".

Commencement

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

**SCHEDULE 23
PENSION BENEFITS ACT**

1 Subsection 1 (1) of the *Pension Benefits Act* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Authority rule” means a rule made under subsection 115.1 (1); (“règle de l’Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 Subsection 10 (6) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

3 Subsection 26 (4) of the Act, as re-enacted by subsection 9 (1) of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

4 Section 30.2 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

5 (1) Paragraph 1 of subsection 39.1 (2.2) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

(2) Paragraph 1 of subsection 39.1 (2.2) of the Act, as re-enacted by subsection 14 (1) of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

6 (1) Subsection 39.1.1 (10) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

(2) Subsection 39.1.1 (14) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

7 Section 77.12 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

8 Subsection 79.1 (3) of the Act is amended by striking out “Superintendent” and substituting “Chief Executive Officer”.

9 Section 80.3 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

10 Section 81.0.2 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

11 Section 81.1 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

12 Paragraphs 2 and 3 of subsection 84 (1) of the Act are repealed and the following substituted:

2. Any deferred pension in respect of employment in Ontario to which a former member is entitled, if,
 - i. the former member’s employment or membership was terminated before January 1, 1988,
 - ii. the date of the wind up of the pension plan is before May 19, 2017, and
 - iii. the former member was at least 45 years of age and had at least 10 years of continuous employment with the employer, or was a member of the pension plan for a continuous period of at least 10 years, at the date of termination of employment.
- 2.1 If a former member’s employment or membership was terminated before January 1, 1988 and if the date of the wind up of the pension plan is on or after May 19, 2017, a deferred pension in respect of employment in Ontario to which the former member is entitled.
3. If a member or former member’s employment or membership was terminated on or after January 1, 1988 and if the date of the wind up of the pension plan is before May 19, 2017, a percentage of any defined pension benefits in respect of employment in Ontario to which the member or former member is entitled under section 36 or 37 (deferred pension), or both, equal to 20 per cent if the combination of his or her age plus years of employment or membership in the pension plan equals 50, plus an additional two-thirds of 1 per cent for each additional one-twelfth credit of age and employment or membership to a maximum of 100 per cent.

- 3.1 If a member or former member's employment or membership was terminated on or after January 1, 1988 and if the date of the wind up of the pension plan is on or after May 19, 2017, a deferred pension in respect of employment in Ontario to which the member or former member is entitled under section 36 or 37 (deferred pension), or both.

13 Paragraph 3 of section 85 of the Act is repealed and the following substituted:

3. The amount of any pension or pension benefit, including any bridging supplement,
- i. in excess of \$1,000 per month or such greater amount as is prescribed, if the date of the wind up is before May 19, 2017, or
 - ii. in excess of \$1,500 per month or such greater amount as is prescribed, if the date of the wind up is on or after May 19, 2017.

14 The Act is amended by adding the following section:

Review of Guarantee Fund provisions

86.1 (1) The Minister shall periodically conduct a review of the provisions of this Act and the regulations related to the Guarantee Fund.

Period for review

- (2) The first review shall be completed within three years after the day this section comes into force.

Subsequent reviews

- (3) Each subsequent review shall be completed within five years after the day the previous review was completed.

15 The Act is amended by striking out the heading before section 95 and substituting the following:

FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO

16 Subsection 95 (1) of the Act is amended by striking out "Commission" wherever it appears and substituting in each case "Authority".

17 The Act is amended by adding the following section:

Duty to notify re disclosable event

98.1 (1) A prescribed person or entity shall, as soon as reasonably practicable after a disclosable event has occurred, give notice of the disclosable event to the Superintendent.

Duty to notify in advance

- (2) In prescribed circumstances, the regulations may require a prescribed person or entity to give notice to the Superintendent of a disclosable event in advance of the disclosable event occurring.

Same

- (3) If subsection (2) applies, the notice must be given before the beginning of a prescribed period ending with the date of the disclosable event in question.

Requirements re notice

- (4) A notice required under this section must be in writing and must contain such information as may be prescribed.

Definition

- (5) In this section,

"disclosable event" means a prescribed event that relates to a pension plan or an employer.

18 Section 100 of the Act is amended by adding the following subsections:

Delegation of powers and duties

(5.1) If an agreement provides for the delegation to the Chief Executive Officer of any powers or duties of a person who has supervisory or regulatory powers under the pension benefits legislation of another jurisdiction, the Chief Executive Officer is authorized to exercise those powers and perform those duties.

Delegation by Chief Executive Officer

(5.2) The Chief Executive Officer may, subject to the conditions that the Chief Executive Officer considers appropriate, delegate in writing to an officer or other employee of the Authority the exercise of any power or the performance of any duty conferred on or assigned to the Chief Executive Officer under the agreement.

Effect of delegation

(5.3) An act done or a decision made under a delegation given under subsection (5.2) is as valid and effective as if it had been done or made by the Chief Executive Officer.

Transfer of Commission, Superintendent powers, duties and functions

(5.4) The following rules apply with respect to references in agreements made under this section:

1. A reference to the Commission shall be deemed to be a reference to the Authority.
2. A reference to the Superintendent shall be deemed to be a reference to the Chief Executive Officer.

19 Section 102.2 of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

20 Subsection 106 (1) of the Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer” and by striking out “Commission” and substituting “Authority”.

21 Section 113.1 of the Act is repealed.

22 Section 114 of the Act is amended by adding “or the *Financial Services Regulatory Authority of Ontario Act, 2016*” after “*Financial Services Commission of Ontario Act, 1997*”.

23 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

1. The definition of “Superintendent” in subsection 1 (1).
2. Subsection 100 (5.4).
3. Subsection 115 (1.2).

24 The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

Building Ontario Up Act (Budget Measures), 2015

25 Section 9 of Schedule 34 to the *Building Ontario Up Act (Budget Measures), 2015* is repealed.

Stronger, Fairer Ontario Act (Budget Measures), 2017

26 Subsection 1 (1) and sections 34 and 35 of Schedule 33 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

Commencement

27 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 12 and 13 are deemed to have come into force on May 19, 2017.

(3) Sections 1 to 11 and 15 to 24 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 24
POLICE SERVICES ACT

1 Subsection 131.3 (1) of the *Police Services Act* is amended by striking out “Superintendent of Financial Services” at the end and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

Commencement

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

SCHEDULE 25
POLICE SERVICES ACT, 2018

1 Subsection 187 (1) of the *Police Services Act, 2018* is amended by striking out “Superintendent of Financial Services” at the end and substituting “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

Commencement

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

SCHEDULE 26
POOLED REGISTERED PENSION PLANS ACT, 2015

1 Section 2 of the *Pooled Registered Pension Plans Act, 2015* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 (1) The Table to subsection 6 (1) of the Act is amended by adding the following item:

1.1	<i>Canada Gazette</i>	<i>The Ontario Gazette</i>
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(2) Section 6 of the Act is amended by adding the following subsections:

Reference re Parliament

(1.1) For the purposes of the application under this Act of subsection 6 (3) (Tabling in Parliament) of the federal Act, the words “each House of Parliament” shall be read as “the Assembly”.

Reference re Government of Canada

(1.2) For the purposes of the application under this Act of paragraph 6 (4) (c) (Publication - *Canada Gazette*) of the federal Act, the words “Government of Canada” shall be read as “Government of Ontario”.

3 Section 7.1 of the Act is repealed and the following substituted:

Licensing of administrators, timing

7.1 For the purposes of section 11 (Licensing of administrators) of the federal Act, as it applies for the purposes of this Act, the Superintendent shall not issue a licence before the date an agreement described in section 6 (Multilateral agreement) of the federal Act, as it applies for the purposes of this Act, first comes into effect in Ontario.

4 Section 8 of the Act is repealed and the following substituted:

Agreements, etc., not regulations

8 An agreement or an amendment to an agreement made under section 6 (Multilateral agreement) of the federal Act, as it applies for the purposes of this Act, is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

5 The Act is amended by adding the following section:

Delegation of powers and duties

8.1 (1) If an agreement under section 5 (Bilateral agreement) or section 6 (Multilateral agreement) of the federal Act, as those sections apply for the purposes of this Act, provides for the delegation to the Chief Executive Officer or the Authority of any powers or duties of a person or entity that has supervisory or regulatory powers under the pooled registered pension plan legislation of another jurisdiction, the Chief Executive Officer is authorized to exercise those powers and perform those duties.

Delegation by Chief Executive Officer

(2) The Chief Executive Officer may, subject to the conditions that the Chief Executive Officer considers appropriate, delegate in writing to an officer or other employee of the Authority the exercise of any power or the performance of any duty conferred on or assigned to the Chief Executive Officer under an agreement under section 5 (Bilateral agreement) or section 6 (Multilateral agreement) of the federal Act, as those sections apply for the purposes of this Act.

Effect of delegation

(3) An act done or a decision made under a delegation given under subsection (2) is as valid and effective as if it had been done or made by the Chief Executive Officer.

Supervisory authority references

(4) If an agreement under section 5 (Bilateral agreement) or section 6 (Multilateral agreement) of the federal Act refers to the supervisory authority with respect to pooled registered pension plans under the laws of Ontario, the reference shall be deemed to include the Chief Executive Officer.

6 Paragraph 8 of subsection 25 (1) of the Act is repealed.

7 The Act is amended by adding the following section:

Regulations re transfer of Commission, Superintendent powers, duties and functions

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

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) deeming references in this Act or the regulations to the Superintendent or to the Commission to be references to the Authority or the Chief Executive Officer;
- (c) governing transitional matters that may arise due to the transfers described in clause (a) or the deeming of references described in clause (b).

Same

(2) A regulation made under subsection (1) is subject to such conditions, limitations and restrictions as may be prescribed.

Conflicts

(3) If there is a conflict between a regulation made under subsection (1) and any Act or any other regulation, the regulation made under subsection (1) prevails, unless the Act or other regulation specifies that it prevails.

8 Paragraph 6 of section 1 of Schedule 1 to the Act is repealed.

9 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

- 1. The definition of “Superintendent” in section 2.
- 2. Subsection 26.1 (1).
- 3. Schedule 1.

10 The English version of the Act is amended by striking out “Superintendent’s” wherever it appears and substituting in each case “Chief Executive Officer’s”.

11 The Act is amended by striking out “Commission” wherever it appears in the following provisions and substituting in each case “Authority”:

- 1. Paragraph 2 of subsection 22 (1).
- 2. Clause 26 (a).

Commencement

12 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Sections 1, 5, 7 and 9 to 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 27
PREPAID HOSPITAL AND MEDICAL SERVICES ACT

1 (1) The definition of “Superintendent” in section 1 of the *Prepaid Hospital and Medical Services Act* is repealed.

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

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”.

3 Section 3 of the Act, as re-enacted by subsection 120 (1) of Schedule 8 to the *Cutting Unnecessary Red Tape Act, 2017*, is amended by striking out “Superintendent” at the end and substituting “Chief Executive Officer.”

Commencement

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

SCHEDULE 28
PUBLIC SERVICE PENSION ACT

1 Section 6 of the *Public Service Pension Act* is amended by adding the following subsections:

Capital markets regulatory authority

(7) If a capital markets regulatory authority is established in respect of Ontario and if it is an agent of the Crown in right of Ontario, its permanent staff employed in Ontario are members of the Plan.

Same

(8) For the purposes of subsection (7),

“capital markets regulatory authority” has the same meaning as “CMRA” in the Memorandum of Agreement regarding the Cooperative Capital Markets Regulatory System between the governments of Canada, British Columbia, New Brunswick, Prince Edward Island, Saskatchewan and the Yukon, effective August 4, 2016, and available on a Government of Ontario website.

2 Section 6.1 of the Act is amended by striking out “Superintendent of Pensions” wherever it appears and substituting in each case “Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*”.

Commencement

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

**SCHEDULE 29
REGISTERED INSURANCE BROKERS ACT**

1 Section 1 of the *Registered Insurance Brokers Act* is amended by adding the following definitions:

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“Autorité”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*; (“directeur général”)

2 The Act is amended by adding the following section:

Regulations: transfer Superintendent powers, duties and functions

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

- (a) providing for the transfer of powers conferred on, duties assigned to and functions of the Superintendent under this Act to the Authority or to the Chief Executive Officer;
- (b) deeming references in this Act or the regulations to the Superintendent to be references to the Authority or the Chief Executive Officer;
- (c) governing transitional matters that may arise due to the transfers described in clause (a) or the deeming of references described in clause (b).

Same

(2) A regulation made under subsection (1) is subject to such conditions, limitations and restrictions as may be prescribed.

Conflicts

(3) If there is a conflict between a regulation made under subsection (1) and any Act or any other regulation, the regulation made under subsection (1) prevails, unless the Act or other regulation specifies that it prevails.

3 The Act is amended by striking out “Superintendent” wherever it appears and substituting in each case “Chief Executive Officer”, except in the following provisions:

- 1. The definition of “Superintendent” in section 1.
- 2. Section 35.1.

Commencement

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

**SCHEDULE 30
REVENUE INTEGRITY ACT, 2018**

CONTENTS

	INTERPRETATION
1.	Definitions
	SALES TRANSACTION INFORMATION
2.	Sales transaction information
3.	Use of information
	INSPECTIONS AND EXAMINATIONS
4.	Inspections and examinations
5.	Entry with warrant
	COMPLIANCE ORDERS AND ADMINISTRATIVE PENALTIES
6.	Compliance order
7.	Administrative penalty
8.	Notice of objection
9.	Effect of paying penalty
	OFFENCES
10.	Offence
	ENFORCEMENT
11.	Lien on real property
12.	Garnishment
13.	Remedies for recovery of amounts owing
14.	Powers with respect to warrants of seizure and sale
	REGULATIONS
15.	Regulations
	COMMENCEMENT AND SHORT TITLE
16.	Commencement
17.	Short title

INTERPRETATION

Definitions

1 In this Act,

“business” includes a profession, trade, manufacture or undertaking of any kind whatever, engaged in for profit, but does not include an office or employment; (“entreprise”)

“electronic cash register” means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data or any other electronic point-of-sale system; (“caisse enregistreuse électronique”)

“Minister” means the Minister of Finance or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“sales transaction information” has the meaning set out in the regulations. (“renseignements sur les ventes”)

SALES TRANSACTION INFORMATION

Sales transaction information

2 (1) Every person carrying on a prescribed business in Ontario shall,

- (a) record his, her or its sales transaction information in an electronic cash register that meets the prescribed requirements; and
- (b) report its sales transaction information to the Minister within the prescribed time and manner and in such form as may be prescribed.

Personal information

(2) The Minister shall not collect personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, under clause (1) (b).

Use of information

3 (1) The Minister may use sales transaction information in combination with information collected by the Minister under any Act that he or she administers in order to conduct policy, statistical and risk analyses in connection with the administration and enforcement of tax laws.

Confidentiality

(2) Information collected under clause 2 (1) (b) shall be deemed, for the purposes of section 17 of the *Freedom of Information and Protection of Privacy Act*, to have been supplied in confidence to the Minister.

Disclosure to Canada Revenue Agency

(3) The Minister may disclose sales transaction information to the Canada Revenue Agency for the purpose of administering and enforcing the *Income Tax Act (Canada)* and the *Excise Tax Act (Canada)*.

INSPECTIONS AND EXAMINATIONS

Inspections and examinations**Authorization to enter without warrant**

4 (1) Subject to section 5, any person authorized by the Minister for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where a business prescribed by the Minister is carried on and inspect or examine any electronic cash register and related equipment for the purpose of determining compliance with this Act.

Requiring reasonable assistance

(2) In conducting an inspection or examination, the person authorized by the Minister may require a person carrying on a business or their authorized representative to,

- (a) give the authorized person all reasonable assistance with the inspection or examination;
- (b) answer any questions relating to the inspection or examination, either orally or, if the authorized person so requires, in writing, on oath or by statutory declaration; and
- (c) attend at the premises or place with the authorized person to assist the inspection or examination.

Entry with warrant

5 (1) A person authorized by the Minister under section 4 shall not, without the consent of the occupier, exercise a power to enter a place that is being used as a dwelling, except under the authority of a warrant issued under subsection (2).

Issuance of warrant

(2) A justice of the peace may issue a warrant authorizing a person authorized by the Minister under section 4 who is named in the warrant to enter a place used as a dwelling and identified in the warrant and exercise any of the powers mentioned in section 4.

Requirements

(3) A justice of the peace may issue a warrant under subsection (2) only if the justice of the peace is satisfied on information under oath that it is necessary to enter and search the dwelling for the purpose of carrying out an inspection or examination of any electronic cash register and related equipment for the purpose of determining compliance with this Act.

Time of execution

(4) Unless otherwise ordered, a warrant issued under this section shall be executed only between the hours of 6 a.m. and 9 p.m.

Expiry of warrant

(5) A warrant expires no later than thirty days after the day on which it is made.

Renewal of warrant

(6) A warrant may be renewed upon application for renewal made before or after expiry for any of the grounds mentioned in subsection (3).

Use of force

(7) A person authorized by the Minister under section 4 and named in a warrant may call upon police officers as necessary and use such force as is necessary to execute the warrant.

COMPLIANCE ORDERS AND ADMINISTRATIVE PENALTIES

Compliance order

- 6 (1) If a person authorized by the Minister under section 4 finds that a person has contravened section 2, the Minister may,
- (a) order that the latter person cease contravening the provision;
 - (b) order what action the latter person shall take or refrain from taking in order to comply with the provision; and
 - (c) specify a date by which the latter person must do so.

Form of order

- (2) An order made under subsection (1) shall be in the form approved by the Minister.

Service

- (3) An order made under subsection (1) shall be served on the person by prepaid mail or personal service at the person's last known address.

No hearing required

- (4) The Minister is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

Non-application of other Act

- (5) The *Statutory Powers Procedure Act* does not apply to an order made under subsection (1).

Administrative penalty

- 7 (1) If the Minister is satisfied that a person is not in compliance with section 2 of this Act or with a compliance order made under section 6, the Minister may, by order, impose an administrative penalty against the person in accordance with this section.

Purpose

- (2) The purpose of an administrative penalty is to promote compliance with the requirements established by this Act and the regulations.

Amount

- (3) The amount of an administrative penalty shall reflect the purpose of the penalty and shall be the prescribed amount, which amount shall not exceed \$10,000.

Form

- (4) An order made under subsection (1) imposing an administrative penalty against a person shall be in the form approved by the Minister.

Service

- (5) The order shall be served on the person by prepaid mail or personal service at the person's last known address.

Limitation

- (6) The Minister shall not make an order under subsection (1) more than two years after the day the Minister became aware of the person's contravention on which the order is based.

No hearing required

- (7) The Minister is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

Non-application of other Act

- (8) The *Statutory Powers Procedure Act* does not apply to an order of the Minister made under subsection (1).

Notice of objection

- 8 (1) A person against whom an order is made under subsection 6 (1) or 7 (1) may object to the order by delivering a written notice of objection to the Minister within 90 days after the day the order is served on the person.

Facts and reasons to be given

- (2) The notice of objection shall fully set out the facts and reasons relied on by the person in making the objection.

Request for further information

- (3) If a notice of objection does not fully set out the facts and reasons relied on by the person in making the objection, the Minister may in writing request the person to provide the information, and the person shall be deemed to have complied with

subsection (2) if the person provides the information to the Minister in writing within 60 days after the day the request is made by the Minister.

Computation of time

(4) For the purpose of calculating the number of days under this section,

- (a) for the purposes of subsection (1), the day on which an order sent by prepaid mail is served on the person is the day the order was mailed to the person;
- (b) for the purposes of subsection (3), the day on which the Minister makes a request for further information is the date on which the request is sent by prepaid mail to the person.

Extension of time for objection

(5) The Minister may extend the time period for objecting to an order if the person submits a request for an extension within the time period set out in subsection (1).

Form of notice

(6) The notice of objection shall be in the form approved by the Minister.

Service

(7) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister or by such other method of service as the Minister prescribes.

Stay

(8) An objection commenced in accordance with subsection (1) operates as a stay of the order until disposition of the objection.

Reconsideration

(9) On receipt of the objection, the Minister shall, as soon as reasonably possible, reconsider the order objected to and confirm, revoke or vary the order.

Notice to objecting person

(10) The Minister shall provide the person who objected to the order with written notice of the Minister's decision under subsection (9).

Effect of paying penalty

9 If a person against whom an order imposing an administrative penalty is made pays the penalty in accordance with the terms of the order or, if the order is varied after an objection, in accordance with the terms of the varied order, the person cannot be charged with an offence under this Act in respect of the same contravention on which the order is based and no other prescribed measure shall be taken against the person in respect of the same contravention on which the order is based.

OFFENCES

Offence

10 (1) A person is guilty of an offence if the person,

- (a) hinders, molests or interferes with any person doing anything that he or she is authorized by section 4 or 5 to do or prevent or attempt to prevent any person doing any such thing;
- (b) knowingly fails to comply with an order made under this Act; or
- (c) knowingly contravenes this Act or the regulations.

Penalty

(2) A person who is convicted of an offence under this Act is liable to a fine of not less than \$500 and not more than \$10,000.

Limitation

(3) No proceeding under subsection (1) shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the Minister.

ENFORCEMENT

Lien on real property

11 (1) Any amount payable under this Act by any person is, on registration by the Minister in the proper land registry office of a notice claiming a lien and charge conferred by this section, a lien and charge on any interest the person has in the real property described in the notice.

Lien on personal property

(2) Any amount payable under this Act by any person is, on registration by the Minister with the registrar under the *Personal Property Security Act* of a notice claiming a lien and charge under this section, a lien and charge on any interest in personal property in Ontario owned or held at the time of registration or acquired afterwards by the person.

Amounts included and priority

(3) The lien and charge conferred by subsection (1) or (2) is in respect of all amounts for which the person is liable under this Act at the time of registration of the notice or any renewal of it and all amounts owing for which the person afterwards becomes liable while the notice remains registered and, on registration of a notice of lien and charge, the lien and charge has priority over,

- (a) any perfected security interest registered after the notice is registered;
- (b) any security interest perfected by possession after the notice is registered; and
- (c) any encumbrance or other claim that is registered against or that otherwise arises and affects the person's property after the notice is registered.

Exception, lien on personal property

(4) For the purposes of subsection (3), a notice of lien and charge under subsection (2) does not have priority over a perfected purchase money security interest in collateral or its proceeds and is deemed to be a security interest perfected by registration for the purpose of the priority rules under section 30 of the *Personal Property Security Act*.

Lien on personal property effective

(5) A notice of lien and charge under subsection (2) is effective from the time assigned to its registration and expires on the fifth anniversary of its registration unless a renewal notice of lien and charge is registered under this section before the end of the five-year period, in which case the lien and charge remains in effect for a further five-year period from the date the renewal notice is registered.

Same

(6) If an amount owing remains outstanding at the end of the period, or its renewal, referred to in subsection (5), the Minister may register a renewal notice of lien and charge. The lien and charge remains in effect until the amount is fully paid, and is deemed to have been continuously registered since the initial notice of lien and charge was registered under subsection (5).

Where person not registered owner

(7) If a person has an interest in real property but is not shown as its registered owner in the proper land registry office,

- (a) the notice to be registered under subsection (1) shall recite the person's interest in the real property; and
- (b) a copy of the notice shall be sent to the registered owner at the owner's address to which the latest notice of assessment under the *Assessment Act* has been sent.

Secured party

(8) In addition to any other rights and remedies, if amounts owing remain outstanding, the Minister has, in respect of a lien and charge under subsection (2),

- (a) all the rights, remedies and duties of a secured party under sections 17, 59, 61, 62, 63 and 64, subsections 65 (4), (5), (6) and (7) and section 66 of the *Personal Property Security Act*;
- (b) a security interest in the collateral for the purpose of clause 63 (4) (c) of that Act; and
- (c) a security interest in the personal property for the purposes of sections 15 and 16 of the *Repair and Storage Liens Act*, if it is an article as defined in that Act.

Registration of documents

(9) A notice of lien and charge under subsection (2) or any renewal of it shall be in the form of a financing statement or a financing change statement as prescribed under the *Personal Property Security Act* and may be registered in the registration system established under that Act.

Errors in documents

(10) A notice of lien and charge or any renewal thereof is not invalidated nor is its effect impaired by reason only of an error or omission in the notice or in its execution or registration, unless a reasonable person is likely to be materially misled by the error or omission.

Definition

(11) In this section,

“real property” includes fixtures and any interest of a person as lessee of real property.

Garnishment

12 (1) If the Minister knows or suspects that a third party owes money to or is holding money for a person who is liable to make a payment under this Act, or within 365 days will owe money to or hold money for a person who is liable to make a payment under this Act, the Minister may, by registered letter or by letter served personally, require the third party to promptly pay to the Minister, in whole or in part, any money that is otherwise payable by the third party to the person during the 365 days after the third party receives the letter.

Continuing effect of requisition

(2) If, under this section, the Minister has required a third party to pay to the Minister money otherwise payable to a person as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment,

- (a) the requirement shall apply to all such periodic payments to be made by the third party to the person after the date of receipt of the Minister's letter until the person's liability is satisfied; and
- (b) the payments required to be made to the Minister shall be the full amount of each payment or such lesser amount as the Minister may designate in the Minister's letter.

Receipt

(3) The receipt of the Minister for money paid as required under this section is a good and sufficient discharge of the third party's original liability to the extent of the payment.

Liability of third party

(4) Every third party who has discharged any liability to a person who is liable to make a payment under this Act without complying with a Minister's letter under this section is liable to pay Her Majesty in right of Ontario an amount equal to the lesser of,

- (a) the liability discharged to the person; or
- (b) the amount that the third party was required under this section to pay to the Minister.

Service of garnishee

(5) If a third party who owes money to or is holding money for a person who is liable to make a payment under this Act, or within 365 days will owe money to or hold money for a person who is liable to make a payment under this Act, carries on business under a name or style other than the third party's own name, the letter under this section from the Minister to the third party may be addressed using the name or style under which the third party carries on business and, in the case of personal service, the letter is deemed to have been validly served if it is left with an adult employed at the addressee's place of business.

Same, partnership

(6) If a person who owes money to or is holding money for a person who is liable to make a payment under this Act, or within 365 days will owe money to or hold money for a person who is liable to make a payment under this Act, carries on business as a partner of a partnership, the letter under this section from the Minister to the partner may be addressed to the partnership name and, in the case of personal service, the letter is deemed to have been validly served if it is served on a partner or left with an adult employed at the partnership's place of business.

Application of *Wages Act*

(7) This section is subject to the *Wages Act*.

Failure to remit

(8) If a person, without reasonable excuse, has failed to remit money to the Minister as required under this section, the Minister may apply to the Superior Court of Justice for an order directing such person to remit the money.

Definition, "third party"

(9) In this section,

"third party" means a person other than the person who is liable to make a payment under this Act.

Remedies for recovery of amounts owing

13 The use of any of the remedies provided by sections 11 and 12 does not bar or affect any of the other remedies provided in those sections, and the remedies provided by this Act for the collection of amounts owing are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

Powers with respect to warrants of seizure and sale

14 (1) The Minister may issue a warrant of seizure and sale, directed to the sheriff for an area in which any property of a person who is liable to make a payment under this Act is located or situate, to enforce payment of an amount owing by the person and the costs, expenses and poundage of the sheriff.

Effect

(2) A warrant issued under this section has the same force and effect as a writ of execution issued by the Superior Court of Justice.

Application of subrule 60.07 (2), Rules of Civil Procedure

(3) Subrule 60.07 (2) of the Rules of Civil Procedure does not apply in respect of a warrant issued by the Minister under this section.

REGULATIONS

Regulations**LG in C**

15 (1) The Lieutenant Governor in Council may make regulations prescribing businesses for the purposes of this Act.

Minister

(2) The Minister may make regulations,

- (a) defining sales transaction information for the purposes of this Act;
- (b) prescribing and governing administrative penalties under this Act, including prescribing different penalty amounts in different circumstances;
- (c) prescribing any matter that this Act requires to be prescribed or refers to as being prescribed, other than the matters in respect of which the Lieutenant Governor in Council may make regulations under subsection (1).

COMMENCEMENT AND SHORT TITLE

Commencement

16 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17 The short title of the Act set out in this Schedule is the *Revenue Integrity Act, 2018*.

**SCHEDULE 31
SOLICITORS ACT**

1 The heading immediately before section 15 of the *Solicitors Act* is repealed and the following substituted:

COMPENSATION AGREEMENTS

2 Subsection 20.1 (3) of the Act is repealed.

3 (1) Subsection 28.1 (8) of the Act is repealed.

(2) Subsection 28.1 (9) of the Act is amended by striking out “or (8)”.

(3) Clauses 28.1 (11) (a) and (b) of the Act are amended by striking out “or (8)” wherever it appears.

(4) Clause 28.1 (12) (g) of the Act is amended by striking out “from this section, a regulation made under this section or any provision in a regulation” at the end and substituting “from this section or any other provision in sections 16 and 20 to 32 in relation to contingency fee agreements, or from a regulation made under this section or any provision of such a regulation”.

4 The Act is amended by adding the following section:

Contingency fee agreements and other licensees

32.1 (1) The provisions of this Act and the regulations that apply in relation to contingency fee agreements apply with necessary modifications to persons licensed under the *Law Society Act* to provide legal services in Ontario in the same manner as to solicitors, subject to any exceptions or modifications that may be prescribed under subsection (2).

Regulations

(2) The Lieutenant Governor in Council may make regulations for the purposes of subsection (1) providing that any provision of this Act or a regulation made under this Act that applies in relation to contingency fee agreements does not apply to persons licensed under the *Law Society Act* to provide legal services in Ontario, or applies with specified modifications, including that it applies only with respect to specified actions or proceedings or classes of actions or proceedings.

Commencement

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

**SCHEDULE 32
TAXATION ACT, 2007**

1 The definition of “H” in subsection 9 (8) of the *Taxation Act, 2007* is amended by adding “and if no amount were deductible under paragraph 20 (1) (ww) of that Act” at the end.

2 (1) Subsection 31 (6) of the Act is amended by adding “for a taxation year beginning on or before March 21, 2016” before “the reference” in the portion before clause (a).

(2) Section 31 of the Act is amended by adding the following subsection:

Specified partnership income, tax year after March 21, 2016

(7) In applying subparagraph 125 (1) (a) (ii) of the Federal Act for the purposes of this section, for a taxation year beginning after March 21, 2016, the reference to “specified partnership income” in that subparagraph shall be read as a reference to the amount that would be determined under the definition of “specified partnership income” in subsection 125 (7) of that Act in respect of a partnership if the dollar amount in subsection 125 (2) of that Act were a reference to the dollar amount set out in subsection (5) of this Act.

3 Section 93 of the Act is amended by adding the following subsection:

Completion of embedded product

(14.1) The development of a product that is capable of being operated as an independent website but that is not operated as an independent website is considered to be completed for the purpose of this section only if,

- (a) as of November 1, 2017, neither a certificate of eligibility had been issued in respect of the product to a qualifying corporation under subsection (10) nor a letter sent to a qualifying corporation indicating that the product does not qualify for certification;
- (b) the product hosts content related to a film, television or internet production; and
- (c) the product has been licensed or purchased by a corporation that holds a licence to carry on a broadcasting undertaking issued by the Canadian Radio-television and Telecommunications Commission under the *Broadcasting Act* (Canada), and the product has been embedded into a website of such a broadcaster.

4 (1) Paragraph 2 of subsection 104.14 (1) of the Act is amended by striking out “the sales year” in the portion before subparagraph i and substituting “a sales year that begins before March 1, 2018”.

(2) Subsection 104.14 (1) of the Act is amended by adding the following paragraph:

- 2.1 If the corporation has made beer during one or more production years ending before a sales year that begins on or after March 1, 2018,
- i. the corporation’s worldwide production of beer in the last production year ending before the beginning of the sales year exceeded 4.9 million litres but not 30 million litres,
 - ii. the corporation’s worldwide production of beer has never exceeded 30 million litres in any production year ending before the sales year, and
 - iii. the corporation’s total sale of beer in eligible sales has never exceeded 20 million litres in any sales year beginning on or after March 1, 2018 and ending before the sales year.

(3) Paragraph 3 of subsection 104.14 (1) of the Act is amended by adding “and the sales year begins before March 1, 2018” at the end of the portion before subparagraph i.

(4) Subsection 104.14 (1) of the Act is amended by adding the following paragraph:

- 3.1 If the production year ending in a sales year is the first production year in which the corporation makes beer and the sales year begins on or after March 1, 2018,
- i. the corporation’s worldwide production of beer in that production year does not exceed 30 million litres, and
 - ii. the corporation is not considered to be a microbrewer for the sales year for the purpose of section 22 of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*.

5 (1) Clauses 104.16 (2) (b) and (c) of the Act are repealed and the following substituted:

- (b) the amount of the qualifying corporation’s beer sold in eligible sales exceeds,
 - (i) for a sales year that begins before March 1, 2018, 15 million litres, or
 - (ii) for a sales year that begins on or after March 1, 2018, 20 million litres;
- (c) the amount of beer made by the qualifying corporation in the sales year exceeds,
 - (i) for a sales year that begins before March 1, 2018, 15 million litres, or

(ii) for a sales year that begins on or after March 1, 2018, 30 million litres;

(2) Subsection 104.16 (3) of the Act is amended by adding “ending before March 1, 2018” after “sales year” in the portion before paragraph 1.

(3) Section 104.16 of the Act is amended by adding the following subsection:

Same, sales years beginning on or after March 1, 2018

(3.1) The amount of a small beer manufacturers’ tax credit for a sales year beginning on or after March 1, 2018 is determined using the formula,

$$[(A \times B)/F + (C \times D)/F] \times G \times H \times J$$

in which,

“A” is the number of litres of eligible beer that is non-draft beer sold in eligible sales in the sales year,

“B” is \$0.4999 per litre,

“C” is the number of litres of eligible beer that is draft beer sold in eligible sales in the sales year,

“D” is \$0.3649 per litre,

“F” is,

- (a) if not more than 4.9 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, 1, or
- (b) if more than 4.9 million litres but not more than 20 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, the total number of litres of eligible beer sold in eligible sales in the sales year,

“G” is,

- (a) if not more than 4.9 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, 1, or
- (b) if more than 4.9 million litres but not more than 20 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, 4.9 million,

“H” is,

- (a) if not more than 13 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, 1, or
- (b) if more than 13 million litres but not more than 20 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, 0.7556,

“J” is,

- (a) if not more than 7.5 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, 1,
- (b) if more than 7.5 million litres but not more than 13 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, the amount calculated using the formula,

$$1 - ((F - 7.5 \text{ million})/22.5 \text{ million}), \text{ or}$$

- (c) if more than 13 million litres but not more than 20 million litres of the qualifying corporation’s beer is sold in eligible sales in the sales year, the amount calculated using the formula,

$$1 - ((F - 13 \text{ million})/7 \text{ million}).$$

(4) Subsection 104.16 (4) of the Act is amended by striking out “subsections (1) and (3)” and substituting “subsections (1), (3) and (3.1)”.

6 Subsection 105 (5) of the Act is repealed and the following substituted:

Qualifying exchange

(5) If a mutual fund trust is a transferee in a qualifying exchange in a taxation year of the trust, the trust’s Ontario refundable capital gains tax on hand at the end of each subsequent taxation year shall be determined by adding to the amount otherwise determined as “D” in subsection (4) the amount calculated using the formula,

$$(I - J) \times (W/X)$$

in which,

“I” is,

- (a) if the transferor is a mutual trust fund, the transferor's Ontario refundable capital gains tax on hand at the end of the taxation year of the transferor in which the transfer occurs (in this subsection referred to as the "transferor's year") determined under subsection 4 (1.1) of the former Act or this section, as the case may be,
- (b) if the transferor is a mutual fund corporation and the transferor's year ended before January 1, 2009, the transferor's refundable capital gains tax on hand determined under section 48 of the *Corporations Tax Act*, at the end of the transferor's year, or
- (c) if the transferor is a mutual fund corporation and the transferor's year ended after December 31, 2008, the transferor's Ontario refundable capital gains tax on hand determined under subsection 106 (3) at the end of the transferor's year,

"J" is the sum of all amounts, each of which is the transferor's refund for the transferor's year, determined under subsection (2) or subsection 106 (2) if the year ended after December 31, 2008 or under subsection 4 (8) of the former Act or section 48 of the *Corporations Tax Act* if the year ended before January 1, 2009,

"W" is,

- (a) if the qualifying exchange occurs before March 22, 2017, 1, or
- (b) if the qualifying exchange occurs on or after March 22, 2017, the total fair market value of property of the transferor disposed of to, net of liabilities assumed by, the transferee on the qualifying exchange, and

"X" is,

- (a) if the qualifying exchange occurs before March 22, 2017, 1, or
- (b) if the qualifying exchange occurs on or after March 22, 2017, the total fair market value of property of the transferor disposed of to, net of liabilities assumed by, all transferees on the qualifying exchange.

Alcohol and Gaming Regulation and Public Protection Act, 1996

7 Paragraph 1 of subsection 22 (3) of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* is amended by striking out "50,000" wherever it appears and substituting in each case "49,000".

Commencement

8 This Schedule comes into force on the day that the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

SCHEDULE 33
TAXPAYER PROTECTION ACT, 1999

1 Section 2 of the *Taxpayer Protection Act, 1999* is amended by adding the following subsection:

Exception, 2018

(13) Subsection (1) does not apply to a bill that receives First Reading in 2018 and that includes a provision that would amend subsections 3 (1) and 6 (1) of the *Taxation Act, 2007* in a manner that would increase the tax rates for individuals under that Act.

Commencement

2 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

**SCHEDULE 34
TEACHERS' PENSION ACT**

1 Subsection 2 (4) of the *Teachers' Pension Act* is amended by striking out "Superintendent of Financial Services" and substituting "Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*".

2 Subsection 10 (2) of the Act is amended by striking out "Superintendent of Financial Services" and substituting "Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority Act of Ontario, 2016*".

3 Subsection 11 (2) of the Act is amended by striking out "Superintendent of Financial Services" and substituting "Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*".

Commencement

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

**SCHEDULE 35
TOBACCO TAX ACT**

1 Subsection 1 (1) of the *Tobacco Tax Act* is amended by adding the following definition:

“justice” means a justice under the *Provincial Offences Act*; (“juge”)

2 (1) Subsection 2.2 (16.2) of the Act is amended by striking out “if the raw leaf tobacco for which the penalty is being assessed has not yet been baled or packaged” at the end.

(2) Section 2.2 of the Act is amended by adding the following subsections:

Assessment, raw leaf tobacco

(21) In assessing a penalty under subsection (20), the Minister may determine the mass of raw leaf tobacco in such manner and form and by such procedure as the Minister considers adequate and expedient.

Notification re: destruction of raw leaf tobacco

(22) A person who is required to hold a registration certificate under this section and who is the owner of raw leaf tobacco shall, before destroying any of the raw leaf tobacco, notify the Minister in accordance with the regulations.

Further information

(23) If a person provides the Minister with any information relating to raw leaf tobacco in accordance with this Act or the regulations, the person shall promptly notify the Minister of any change to that information.

Offence

(24) Every person who contravenes subsection (22) or (23) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$5,000.

Penalty

(25) Every person who contravenes subsection (22) or (23) shall pay to the Minister a penalty, when assessed for it, equal to \$1,000 in respect of each failure to notify the Minister.

3 Subsection 2.3 (15) of the Act is repealed and the following substituted:

Assessment, raw leaf tobacco

(15) In assessing a penalty under subsection (14), the Minister may determine the mass of raw leaf tobacco for the purposes of clause (14) (a) in such a manner and form and by such procedure as the Minister considers adequate and expedient.

4 Section 2.4 of the Act is amended by adding the following subsection:

Assessment, raw leaf tobacco

(5.1) In assessing a penalty under subsection (3) or (5), the Minister may determine the mass of raw leaf tobacco for the purposes of paragraph 1 of subsection (3) or paragraph 1 of subsection (5) in such a manner and such a form and by such procedure as the Minister considers adequate and expedient.

5 (1) Section 13.5 of the Act is amended by adding the following subsection:

Same

(1.1) An agreement or arrangement under subsection (1) may provide for a grant to be made by the Minister to a council of the band, or an entity specified by the council, to be paid out of money appropriated for that purpose by the Legislature.

(2) Subsection 13.5 (5) of the Act is amended by striking out “manufacturing, sale or transportation of tobacco on a reserve or the transportation of tobacco onto or off of a reserve” in the portion before clause (a) and substituting “manufacturing, sale or transportation of tobacco products on reserve, the production, processing, sale or transportation of raw leaf tobacco on reserve or the transportation of tobacco onto or off of a reserve”.

(3) Clause 13.5 (5) (a) of the Act is amended by striking out “manufacture, sale or transportation of tobacco on the reserve or the transportation of tobacco onto or off of a reserve” and substituting “manufacture, sale or transportation of tobacco products on reserve, the production, processing, sale or transportation of raw leaf tobacco on reserve or the transportation of tobacco onto or off of a reserve”.

6 The French version of subsections 22 (5.1) and (5.2) of the Act are amended by striking out “juge” wherever it appears and substituting in each case “juge de la Cour supérieure de justice”.

7 Subsection 23.0.1 (5) of the Act is amended by,

- (a) striking out “subsection (4)” and substituting “subsection (4.1)”; and
- (b) striking out “amount” and substituting “mass”.

8 Subsection 24 (2) of the Act is amended by striking out “under the *Provincial Offences Act*”.

9 Subsection 35.2 (7) of the Act is repealed.

10 The definition of “justice” in subsection 36.1 (1) of the Act is repealed.

11 Section 36.2 of the Act is repealed and the following substituted:

Order for use of tracking devices, etc.

36.2 (1) In this section,

“tracking device” means a substance or device that, when placed or installed in or on any place, land or thing, may be used to help ascertain, by electronic or other means, the origin, identity or location of any thing.

Order may be issued

(2) On application without notice, a justice may issue an order in writing authorizing a provincial offences officer, subject to this section, to use any tracking device or any investigative technique or procedure or to do any thing described in the order if the justice is satisfied by evidence under oath that there are reasonable grounds to believe that an offence involving the contravention of a provision of this Act or the regulations has been or will be committed and that information concerning the offence will be obtained through the use of the tracking device, technique or procedure or the doing of the thing.

Limitation

(3) An order under this section shall not authorize the interception of any private communication.

Same

(4) No tracking device, technique or procedure shall be used to intercept any private communication under an order issued under this section.

Terms and conditions of an order

(5) An order issued under this section shall contain such terms and conditions as the justice considers advisable in the circumstances.

Activities under order

(6) An order issued under this section may authorize a provincial offences officer,

- (a) to place, install, maintain or remove a tracking device in or on any land, place or thing; and
- (b) to monitor, or to have monitored, a tracking device or information from a tracking device placed or installed in or on any land, place or thing.

Expert help

(7) An order issued under this section may authorize persons who have special, expert or professional knowledge to accompany and assist the provincial offences officer in the execution of the order.

Duration of order

(8) An order issued under this section is valid for a period of 60 days or for such shorter period as may be specified in the order.

Further orders

(9) A justice may issue further orders under subsection (2).

Commencement

12 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

**SCHEDULE 36
THE VICTORIA UNIVERSITY ACT, 1951**

1 *The Victoria University Act, 1951* is amended by adding the following section:

2019 and subsequent years

5.1 (1) In 2019 and subsequent years,

- (a) subsections 5 (2) and (3) do not apply except in respect of property taxes for school purposes; and
- (b) section 17 of the *University of Toronto Act, 1971* does not apply in respect of Victoria University.

Payment of taxes

(2) If real property was leased by the Board to a tenant under a lease entered into before the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* was introduced under which the tenant was required to pay any amount on account of property taxes on the property, any increases in property taxes for municipal purposes in 2019 or subsequent years resulting from the non-application of the provisions referred to in subsection (1) are deemed to be amounts on account of property taxes that the tenant is required to pay under the tenant's lease.

Same

(3) For greater certainty, any amounts on account of property taxes that a tenant is deemed to be required to pay under subsection (2) are in addition to any other such amounts that the tenant may be required to pay under the tenant's lease.

By-law

(4) The City of Toronto shall pass a by-law providing for the phasing in of increases in property taxes for municipal purposes resulting from the non-application of the provisions referred to in subsection (1).

Same

(5) The following rules apply to the by-law under subsection (4):

1. It shall not apply to a property unless subsection 5 (2) applied to the property on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* was introduced.
2. The phase-in under the by-law shall start in 2019 and extend equally over a period of,
 - i. at least six years, for land in the residential and multi-residential property classes, and
 - ii. at least four years, for land in any other property class.

Commencement

2 This Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

SCHEDULE 37
WORKPLACE SAFETY AND INSURANCE ACT, 1997

1 (1) The definition of “posttraumatic stress disorder” in subsection 14 (1) of the *Workplace Safety and Insurance Act, 1997* is amended by striking out “subject to subsection (15)” and substituting “subject to subsection (19)”.

(2) Subsection 14 (2) of the Act is amended by adding the following paragraphs:

13. Members of the College of Nurses of Ontario who directly provide patient care and who are not workers described in paragraph 10 or 11.
14. Provincial bailiffs appointed under the *Ministry of Correctional Services Act*.
15. Probation officers appointed under or in accordance with the *Ministry of Correctional Services Act* or the *Child and Family Services Act*.
16. Workers who directly supervise workers described in paragraph 15.
17. Special constables appointed under the *Police Services Act*.
18. Members of a police force, as defined in the *Police Services Act*, other than those described in paragraph 5, who perform work in a forensic identification unit or a Violent Crime Linkage Analysis System unit of the police force.

(3) Paragraph 15 of subsection 14 (2) of the Act, as enacted by subsection (2), is amended by striking out “*Child and Family Services Act*” at the end and substituting “*Child, Youth and Family Services Act, 2017*”.

(4) Paragraph 17 of subsection 14 (2) of the Act, as enacted by subsection (2), is amended by striking out “*Police Services Act*” at the end and substituting “*Police Services Act, 2018*”.

(5) Paragraph 18 of subsection 14 (2) of the Act, as enacted by subsection (2), is amended by,

- (a) striking out “police force” wherever it appears and substituting in each case “police service”; and
- (b) striking out “*Police Services Act*” and substituting “*Police Services Act, 2018*”.

(6) Subsections 14 (3) and (4) of the Act are repealed and the following substituted:

Entitlement to benefits

(3) Subject to subsection (7), a worker is entitled to benefits under the insurance plan for posttraumatic stress disorder arising out of and in the course of the worker’s employment if,

- (a) the worker,
 - (i) is a worker listed in subsection (2),
 - (ii) was a worker listed in paragraphs 1 to 12 of subsection (2) for at least one day on or after April 6, 2014, or
 - (iii) was a worker listed in paragraphs 13 to 18 of subsection (2) for at least one day on or after the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent;
- (b) the worker is or was diagnosed with posttraumatic stress disorder by a psychiatrist or psychologist; and
- (c) for a worker who,
 - (i) is a worker listed in paragraphs 1 to 12 of subsection (2) at the time of filing a claim, the diagnosis is made on or after April 6, 2014,
 - (ii) ceases to be a worker listed in paragraphs 1 to 12 of subsection (2) on or after April 6, 2016, the diagnosis is made on or after April 6, 2014 but no later than 24 months after the day on which the worker ceases to be a listed worker,
 - (iii) ceased to be a worker listed in paragraphs 1 to 12 of subsection (2) after April 6, 2014 but before April 6, 2016, the diagnosis is made on or after April 6, 2014 but no later than April 6, 2018, or
 - (iv) ceases to be a worker listed in paragraphs 13 to 18 of subsection (2) on or after the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent, the diagnosis is made no later than 24 months after the day on which the worker ceases to be a listed worker.

(7) Subsections 14 (10) to (15) of the Act are repealed and the following substituted:

Time limits

(10) The time limits in subsections 22 (1) and (2) do not apply in respect of a claim made under this section by a worker listed in paragraphs 1 to 12 of subsection (2) that is made with respect to posttraumatic stress disorder that was diagnosed on or after April 6, 2014 but before April 6, 2016.

Same

(11) A claim made under this section by a worker listed in paragraphs 1 to 12 of subsection (2) with respect to posttraumatic stress disorder that was diagnosed on or after April 6, 2014 but before April 6, 2016 must be filed on or before October 6, 2016.

Pending claim

(12) If a worker listed in paragraphs 1 to 12 of subsection (2) filed a claim for entitlement to benefits relating to posttraumatic stress disorder and the claim was pending before the Board on April 6, 2016, the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Same

(13) If a worker listed in paragraphs 13 to 18 of subsection (2) has filed a claim for entitlement to benefits relating to posttraumatic stress disorder and the claim is pending before the Board on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent, the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Same

(14) For the purposes of subsections (12) and (13), a claim is pending if the Board has not made a final decision in respect of the claim.

Pending appeal

(15) If a worker listed in paragraphs 1 to 12 of subsection (2) filed a claim for entitlement to benefits relating to posttraumatic stress disorder and the claim was pending before the Appeals Tribunal on April 6, 2016, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Same

(16) If a worker listed in paragraphs 13 to 18 of subsection (2) has filed a claim for entitlement to benefits relating to posttraumatic stress disorder and the claim is pending before the Appeals Tribunal on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Other appeal

(17) If, on or after April 6, 2016 and on or before October 6, 2016, a worker listed in paragraphs 1 to 12 of subsection (2) filed a notice of appeal of a final decision of the Board that was made before April 6, 2016 regarding a claim for entitlement to benefits relating to posttraumatic stress disorder with the Appeals Tribunal, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Same

(18) If, on or after the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent and within the time limit set out in subsection 125 (2), a worker listed in paragraphs 13 to 18 of subsection (2) files a notice of appeal of a final decision of the Board that was made before the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent regarding a claim for entitlement to benefits relating to posttraumatic stress disorder with the Appeals Tribunal, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Transition, prior diagnosis

(19) For the purposes of the following claims, posttraumatic stress disorder includes posttraumatic stress disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), published by the American Psychiatric Association:

1. Claims and appeals in respect of workers listed in paragraphs 1 to 12 of subsection (2) that were pending on April 6, 2016.
2. New claims made under this section by workers listed in paragraphs 1 to 12 of subsection (2) on or before October 6, 2016.
3. Claims and appeals in respect of workers listed in paragraphs 13 to 18 of subsection (2) that are pending on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.
4. Claims described in subsections (17) and (18).

2 (1) Subsections 171 (1) to (3) of the Act are repealed and the following substituted:

Employee's pension plan

(1) The purpose of the employees' pension plan is to pay superannuation allowances and allowances upon the death or disability of full-time members of the board of directors and employees of the Board.

Expenses

(2) The Board's cost of maintaining and administering the pension plan is chargeable to the insurance fund.

(2) Subsections 171 (7) and (8) of the Act are repealed.

Bill 6 – *Correctional Services Transformation Act, 2018*

3 (1) This section applies only if Bill 6 (*Correctional Services Transformation Act, 2018*) introduced on March 20, 2018, receives Royal Assent.

(2) References in this section to provisions of Bill 6 are references to those provisions as they were numbered in the first reading version of the Bill, and if Bill 6 is renumbered, the references in this section are deemed to be references to the equivalent renumbered provisions of Bill 6.

(3) On the later of the day this section comes into force and the day section 27 of Schedule 2 to Bill 6 comes into force, paragraph 14 of subsection 14 (2) of the Act, as enacted by subsection 1 (2), is amended by striking out "*Ministry of Correctional Services Act*" at the end and substituting "*Correctional Services and Reintegration Act, 2018*".

(4) On the later of the day this section comes into force and the day section 141 of Schedule 2 to Bill 6 comes into force, paragraph 15 of subsection 14 (2) of the Act, as enacted by subsection 1 (2), is amended by striking out "*Ministry of Correctional Services Act*" and substituting "*Correctional Services and Reintegration Act, 2018*".

Revocation

4 Ontario Regulation 455/97 (Pension Plan for Board Employees) is revoked.

Commencement

5 (1) Subject to subsection (2), this Schedule comes into force on the day the *Plan for Care and Opportunity Act (Budget Measures), 2018* receives Royal Assent.

(2) Subsections 1 (3) to (5) and sections 2 and 4 come into force on a day to be named by proclamation of the Lieutenant Governor.