

June 9, 2016

Members' Legislative Update

The Ontario Legislature rose today and will resume on September 12th, 2016. A number of bills of interest to municipal governments were debated in this session, and are outlined below.

Bill 100, [Supporting Ontario's Trails Act](#) – carried in Third Reading June 1 on division

Bill 100 will promote Ontario's trail network, make it easier for land owners to voluntarily create land easements for trails, and strengthen protection for land owners. It amends the following Acts: *Motorized Snow Vehicles Act*, *Occupiers' Liability Act*, *Off-Road Vehicles Act*, *Public Lands Act*, and *Trespass to Property Act*. Specifically, it will:

- establish a Trails Week
- allow the Minister to recognize specific trails as particularly important
- introduce a voluntary classification system for trails (making it simpler for trail users to understand the types of trail experiences that exist here in the province)
- allow the Minister to establish best practices for trails maintenance
- recognize the Ontario Trails Strategy and matching targets and evaluation mechanisms
- clarify the process for private land owners to create land easements for trails
- strengthen protection for landowners, including municipal governments by clarifying and restricting the circumstances in which land owners would be liable when an individual enters their land.

During debates, a provision was added to provide greater certainty that the decision to grant a land easement for the establishment of a trail is voluntary. For many municipalities, trails are a source of tourism and economic development, and enhancing and promoting the network will be positive. Strengthening protection for landowners and increasing trespassing fines are also positive.

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Bill 151, [Waste-Free Ontario Act](#) – carried in Third Reading on June 1

This legislation moves Ontario toward real producer responsibilities with financial savings with municipal governments as Producers will be fully responsible for the end-of-life management of their designated products and packaging. Additional benefits of the legislation are:

- flexibility to designate a wide range of products and packaging
- ability to increase producer's current funding cap for the Blue Box program beyond 50%
- creation of an oversight agency with proper tools to ensure effective compliance and enforcement
- efforts made to maintain or improve upon current service standards and geographic coverage for programs.

The municipal sector has long advocated for new waste management legislation to replace the *Waste Diversion Act, 2001*, which has had numerous challenges, most notably of which is a protracted dispute with Producers for Blue Box program payments that went to arbitration in 2014 and continues to be disputed today.

The legislation is high-level and enabling that will see much of the details on how the system will work developed at a later date through Policy Statements and Regulations.

Two amendments were made to the Act that AMO advocated for:

- Section 11 of the *Waste Diversion Transition Act* was amended to give the Minister more explicit powers to determine how payments should be made to municipalities by Producers
- any requirements for consultation had the language ‘with municipal representatives’ added to specifically reference municipal interests.

AMO will be providing further updates on this file as we move forward with transition planning and will be working with the City of Toronto, the Regional Public Works Commissioners of Ontario, and the Municipal Waste Association to develop these plans with your staff.

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Bill 156, [Alternative Financial Services Statute Law Amendment Act](#) – ordered to the Standing Committee on Social Policy on June 7

Bill 156 amends the *Collection and Debt Settlement Services Act*, the *Consumer Protection Act, 2002*, and the *Payday Loans Act, 2008*, and expands the regulation-making powers in each Act. In regard to the *Payday Loans Act*, the Bill amends the restrictions respecting concurrent or replacement payday loan agreements and respecting the making of more than one payday loan between the same borrower and different lenders. The Bill also permits the Registrar to conduct inspections if he or she has reasonable grounds to believe that a person or an entity is acting as a lender or loan broker while not licensed.

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Bill 172, [Climate Change Mitigation and Low-carbon Economy Act](#) – received Royal Assent on May 18

Bill 172 establishes a cap and trade system to reduce greenhouse gas emissions in Ontario. The Act creates the Greenhouse Gas Reduction Account for cap and trade revenues and authorizes the expenditure of funds for greenhouse gas reduction measures. The Act also:

- defines capped industries, electricity import, natural gas distribution, petroleum supply, and other designated emitters
- establishes mandatory and voluntary participation in the cap and trade market
- allows for designated agents
- defines the obligations and enforcement measures for market participation
- sets emissions allowances which can be distributed for free
- establishes offset credits for measures that reduce greenhouse gases.

The Bill’s schedule notes that potential for revenues from cap and trade to be spent on municipal services such as: public transit, active transportation, waste management and landfill gas destruction, as well as improvements to buildings. While the regulations for capped industries have been published, those governing offsets credits such as projects by municipal governments to monetize greenhouse gas reductions have not yet been developed. These regulations are expected in the coming months.

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Bill 181, [Municipal Elections Modernization Act](#) – carried in Third Reading on division on June 7

The legislation will change the way in which municipal and school board officials are elected in Ontario. Municipal governments will have the choice of using ranked ballots in council elections. The municipal council election period will be shortened with the nomination date of May 1 and withdrawal date of the fourth Friday in July. Candidates will require the signatures of 25 electors to file nominations. Government amendments to the Bill banned contributions to municipal candidates by corporations and unions without changing individual contribution limits – despite AMO’s advice. Finally, the Bill establishes rules for third party advertising in municipal elections.

AMO Contact: Craig Reid, Senior Advisor, E-mail: creid@amo.on.ca, 416.971.9856 ext. 334.

Bill 204, [Promoting Affordable Housing Act](#) – carried in First Reading on May 18

Bill 204 amends or repeals various Acts with respect to housing and planning with the intent of ensuring that Ontarians have better access to affordable and adequate housing. If passed by the Legislature, the Act would amend the following Acts: the *Planning Act*, the *Development Charges Act*, the *Housing Services Act* and the *Residential Tenancies Act*. It would also repeal the *Elderly Persons' Housing Aid Act*. The proposed amendments will have an impact on the ability of municipal government to effectively administer social housing and facilitate new affordable housing, including providing municipal governments the authority to enact inclusionary zoning by-laws. AMO expects to make a submission on the Bill when it is referred to committee in keeping with AMO's [recommendations](#) concerning the Long-Term Affordable Housing Strategy. AMO also plans to respond to the government's regulatory [posting](#) on inclusionary zoning, due August 16th.

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Bill 209, [Seniors Active Living Centres Act](#) – carried in First Reading on June 1

Bill 209 modernizes the Elderly Persons Centres program, which is cost shared with municipal governments and establishes centres for seniors across the province. If passed by the Legislature, the Bill would rename the centres as Seniors Active Living Centres to reflect a new approach to active and healthy aging. It would also modernize the legislation to provide added administrative flexibility and move the majority of administrative program rules from legislation and regulation to program guidelines. The 20% minimum municipal cost sharing arrangements would not change. AMO continues to promote enhanced services for seniors in Ontario.

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Bill 210, [Patients First Act](#) – carried in First Reading on June 2

Bill 210 would implement the Patients First Strategy to transform home, community and primary care, and to strengthen public health. If passed by the Legislature, the Act would amend a number of Acts including the *Health Protection and Promotion Act*. The government's stated intent is to enact legislation to support access to high quality, integrated care for patients in Ontario, no matter where they live.

AMO was pleased to see that the Bill does not transfer funding and accountability oversight of Public Health Units to Local Health Integration Networks (LHINs). It would, however, institute more formalized linkages between public health and LHINs for population health planning. This is a positive development; however, resourcing issues will need to be addressed to support this enhanced role. In AMO's submission on the Strategy, AMO provided a range of [recommendations](#) on how to improve and transform the health care system in Ontario. This included recommendations concerning public health, long-term care, land ambulance, community paramedicine, hospital funding, physician recruitment incentives, and the Northern Health Travel Grant. AMO will continue to advocate on a wide range of health care issues on behalf of its members not restricted to the Act.

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