

Bill 14, Building Opportunity and Securing Our Future Act (Budget Measures), 2014



Sousa, Hon Charles *Minister of Finance*

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View the Bill

Bill 14

2014

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

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1. This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2. (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Same

- (2) The Schedules to this Act come into force as provided in each Schedule.

Same

(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 Building Opportunity and Securing Our Future Act (Budget Measures), 2014.

schedule 1

Assessment Act

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

Long-term care homes

7.2 Land that is used as a non-profit long-term care home, if the conditions prescribed by the Minister are satisfied.

Commencement

2. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 2

Broader Public sector Accountability act, 2010

1. (1) Clause 4 (1) (b) of the Broader Public Sector Accountability Act, 2010 is amended by striking out "clause (2) (a), (c), (d), (e), (f) or (g)" in the portion before subclause (i) and substituting "clause (2) (a), (c), (d), (f) or (g)".

(2) Clause 4 (2) (e) of the Act is repealed.

2. Paragraph 6 of section 7.2 of the Act is repealed.

Commencement

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

schedule 3

building code act, 1992

1. Subsection 8 (2) of the Building Code Act, 1992 is amended by adding the following clause:

(b.1) the Architects Act or the Professional Engineers Act requires that the proposed construction of the building be designed by an architect or a professional engineer or a combination of both and the proposed construction is not so designed;

2. Section 15.11 of the Act is amended by adding the following subsection:

Non application

(8) Subsection (5) does not apply to a holder of any licence or certificate issued under the Architects Act or the Professional Engineers Act.

3. (1) Subsection 34 (1) of the Act is amended by adding the following paragraph:

9.1 requiring any part of the construction of a building described in clauses 11 (3) (a) and (b) of the Architects Act or subsection 12 (4) and clause 12 (5) (a) of the Professional Engineers Act to be designed by an architect or a professional engineer or a combination of both;

(2) Paragraph 10 of subsection 34 (1) of the Act is amended,

(a) by striking out "as defined in the Architects Act"; and

(b) by striking out "as defined in the Professional Engineers Act" and substituting "or a combination of both".

Commencement

4. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Schedule 4

Children's law Reform act

1. (1) Subsection 35 (3) of the Children's Law Reform Act is amended by striking out "immediately before the day section 15 of the Family Statute Law Amendment Act, 2009 came into force" in the portion before clause (a) and substituting "on October 14, 2009".
 - (2) Clause 35 (3) (a) of the Act is amended by striking out "before that day" and substituting "before October 15, 2009".
 - (3) Clause 35 (3) (b) of the Act is amended by striking out "immediately before that day" at the end and substituting "on October 14, 2009".
2. (1) Subsection 38 (1) of the Act is amended by striking out "orders in respect of custody of or access to a child" and substituting "orders under this Act, other than orders under section 35".
 - (2) Section 38 of the Act is amended by adding the following subsection:

Transition

- (3) This section, as it read on October 14, 2009, continues to apply to orders referred to in clause 35 (3) (b).

Commencement

3. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 5

commodity futures act

1. (1) The definition of "market participant" in subsection 1 (1) of the Commodity Futures Act is amended by,
 - (a) striking out "by a ruling of the Commission"; and
 - (b) striking out "a recognized self-regulatory organization" and substituting "a recognized self-regulatory organization, a person or company that is exempt from the requirement under subsection 16 (1) or 17 (1) to be recognized by the Commission".
- (2) The definition of "recognized commodity futures exchange" in subsection 1 (1) of the Act is amended by striking out "by order of the Commission" at the end.
2. (1) Subsection 14.1 (1) of the Act is amended by striking out "documents that are required to be kept by a market participant under section 14" and substituting "documents of a market participant".
 - (2) Clause 14.1 (2) (b) of the Act is amended by striking out "that are required to be kept under section 14".
3. (1) Subsection 59 (1) of the Act is repealed and the following substituted:

Freeze direction

- (1) If the Commission considers it expedient for the due administration of Ontario commodity futures law or the regulation of the commodity futures markets in Ontario or expedient to assist in the due administration of the commodity futures laws or the regulation of the commodity futures markets in another jurisdiction, the Commission may,
 - (a) direct a person or company having on deposit or under its control or for safekeeping any funds, securities or property of any person or company to retain those funds, securities or property;
 - (b) direct a person or company to refrain from withdrawing any funds, securities or other property from another person or company who has them on deposit, under control or for safekeeping;
 - (c) direct a person or company to maintain funds, securities or other property, and to refrain from disposing of, transferring, dissipating or otherwise dealing with or diminishing the value of those funds, securities or other property; or
 - (d) direct a person or company holding or having under its control a contract of any person or company to liquidate the contract and to retain the proceeds of liquidation.

Duration

- (1.1) A direction under subsection (1) applies until the Commission in writing revokes the direction or consents to release funds, securities or property from the direction, or until the Superior Court of Justice orders otherwise.
- (2) Section 59 of the Act is amended by adding the following subsection:

Grounds for continuance or other order

- (5.1) An order may be made under subsection (5) if the court is satisfied that the order would be reasonable and expedient in the circumstances, having due regard to the public interest and,
 - (a) the due administration of Ontario commodity futures law or the commodity futures laws of another jurisdiction; or
 - (b) the regulation of commodity futures markets in Ontario or another jurisdiction.

Commencement

4. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 6

COMPULSORY AUTOMOBILE INSURANCE ACT

1. Section 11 of the Compulsory Automobile Insurance Act is amended by striking out “under sections 29, 30, 31, 443 and 444 of the Insurance Act” at the end and substituting “under sections 442.1, 442.2, 442.3, 443 and 444 of the Insurance Act”.

Commencement

2. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 7

Electricity Act, 1998

1. Clause 1 (e) of the Electricity Act, 1998 is amended by striking out “generators, retailers and consumers” and substituting “generators, retailers, market participants and consumers”.

2. (1) The definition of “charges” in subsection 2 (1) of the Act is repealed and the following substituted:

“charges” means, with respect to the IESO, amounts charged by the IESO, or by a predecessor within the meaning of section 4, to recover amounts paid or payable by the IESO or the predecessor to another person with respect to electricity; (“frais”)

(2) The definition of “fees” in subsection 2 (1) of the Act is repealed and the following substituted:

“fees” means, with respect to the IESO, amounts charged by the IESO, or by a predecessor within the meaning of section 4, to recover its costs of operations; (“droits”)

(3) The definition of “Governance and Structure By-law” in subsection 2 (1) of the Act is repealed and the following substituted:

“Governance and Structure By-law” means the by-law maintained under subsection 22 (2); (“règlement de régie”)

(4) The definition of “OPA” in subsection 2 (1) of the Act is repealed.

(5) The definition of “procurement contract” in subsection 2 (1) of the Act is repealed and the following substituted:

“procurement contract” means,

- (a) a contract, entered into or assumed by the IESO pursuant to a direction of the Minister issued under section 25.32 or 25.35, for the procurement of,
 - (i) electricity supply or capacity,
 - (ii) changes in electricity demand, or
 - (iii) measures related to the conservation of electricity or the management of electricity demand, and
- (b) a contract entered into by the IESO pursuant to a direction of the Minister issued under subsection 25.32 (4.4), (4.5), (4.6) or (4.7); (“contrat d’acquisition”)

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

Procurement contracts, transition

(1.5) For the purposes of this Act, a procurement contract includes,

- (a) a contract entered into pursuant to section 25.32 as it read immediately before the day subsection 7 (3) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force; and
- (b) a contract entered into pursuant to section 25.35 as it read immediately before the day subsection 10 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force.

Procurement contracts, exceptions

(1.6) A transaction, arrangement or agreement entered into by the IESO based on the market rules is deemed not to be a procurement contract for the purposes of this Act.

(7) Clause 2 (7) (d) of the Act is repealed and the following substituted:

(d) to the Ontario Power Authority or the OPA is deemed to be a reference to the Independent Electricity System Operator as continued under this Act unless the context requires otherwise.

3. (1) Parts II and II.1 of the Act are repealed and the following substituted:

PART II

Independent ELECTRICITY SYSTEM OPERATOR

Definitions

4. In this Part,

“Independent Electricity System Operator” means, unless the context requires otherwise, the corporation continued under subsection 5 (1); (“Société indépendante d’exploitation du réseau d’électricité”)

“Ontario Power Authority” means the corporation established under subsection 25.1 (1) as that subsection read immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force and “OPA” has a corresponding meaning; (“Office de l’électricité de l’Ontario”, “OEO”)

“predecessor” means either the predecessor Independent Electricity System Operator or the Ontario Power Authority; (“entité remplacée”)

“predecessor Independent Electricity System Operator” means the Independent Electricity System Operator as the corporation was continued under subsection 4 (1) as that subsection read immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force. (“ancienne Société indépendante d’exploitation du réseau d’électricité”)

Amalgamation of IESO and OPA

5. (1) The predecessor Independent Electricity System Operator and the Ontario Power Authority are amalgamated and shall continue as one corporation without share capital in accordance with this Part.

Name of corporation

(2) The name of the corporation formed under subsection (1) is the Independent Electricity System Operator in English and Société indépendante d’exploitation du réseau d’électricité in French.

Composition

(3) The IESO is composed of the members of its board of directors.

Separation of functions

(4) The board of directors shall take such steps as it considers advisable and appropriate to ensure that there is an effective separation of functions and activities of the IESO relating to,

- (a) its market operations; and
- (b) its procurement and contract management activities.

Prohibition

(5) The IESO shall not conduct the operations of the IESO-administered markets in any manner that,

- (a) unjustly advantages or disadvantages any market participant or class of market participants; or
- (b) is inconsistent with this Act.

Transmission-related information

(6) The IESO shall provide transmission-related information on an equal basis and in the same manner to all market participants.

Confidentiality

(7) The board of directors shall ensure that appropriate procedures are established and maintained so that confidential information that is in the possession or control of any officers or employees of the IESO, or any agent or third party working on its behalf, is not inappropriately communicated.

Objects

6. (1) The objects of the IESO are,

- (a) to exercise the powers and perform the duties assigned to it under this Act, the regulations, directions, the market rules and its licence;
- (b) to enter into agreements with transmitters to give it authority to direct the operation of their transmission systems;
- (c) to direct the operation and maintain the reliability of the IESO-controlled grid to promote the purposes of this Act;
- (d) to participate in the development by any standards authority of criteria and standards relating to the reliability of the integrated power system;
- (e) to establish and enforce criteria and standards relating to the reliability of the integrated power system;
- (f) to work with the responsible authorities outside of Ontario to co-ordinate the IESO’s activities with the activities of those authorities;
- (g) to operate the IESO-administered markets to promote the purposes of this Act;
- (h) to engage in activities related to contracting for the procurement of electricity supply, electricity capacity and conservation resources;
- (i) to engage in activities related to settlements, payments under a contract entered into under the authority of this Act and payments provided for under this Act or the Ontario Energy Board Act, 1998;
- (j) to engage in activities in support of the goal of ensuring adequate, reliable and secure electricity supply and resources in Ontario;
- (k) to forecast electricity demand and the adequacy and reliability of electricity resources for Ontario for the short term, medium term and long term;
- (l) to conduct independent planning for electricity generation, demand management, conservation and transmission;
- (m) to engage in activities to facilitate the diversification of sources of electricity supply by promoting the use of cleaner energy sources and technologies, including alternative energy sources and renewable energy sources;
- (n) to engage in activities in support of system-wide goals for the amount of electricity to be produced from different energy sources;
- (o) to engage in activities that facilitate load management;
- (p) to engage in activities that promote electricity conservation and the efficient use of electricity;

(q) to assist the Board by facilitating stability in rates for certain types of consumers;

(r) to collect and make public information relating to the short term, medium term and long term electricity needs of Ontario and the adequacy and reliability of the integrated power system to meet those needs; and

(s) to engage in such other objects as may be prescribed by the regulations.

Not for profit

(2) The business and affairs of the IESO shall be carried on without the purpose of gain and any profits shall be used by the IESO for the purpose of carrying out its objects.

Capacity

(3) The IESO has the capacity, rights, powers and privileges of a natural person for the purpose of carrying out its objects, except as otherwise limited by this Act.

Limitation on powers, financial

(4) The IESO's powers to borrow, to invest its funds and to manage its financial assets, liabilities and risks are subject to such rules and restrictions as may be prescribed by the regulations.

Dissolution

7. If the IESO is dissolved, any property of the IESO remaining after the payment of all of its debts and liabilities is vested in the Crown in right of Ontario.

Not Crown agent

8. The IESO is not an agent of the Crown for any purpose, despite the Crown Agency Act.

Obligation to provide information in French

9. (1) The IESO shall make information that is directed to the general public available in French, including information with respect to programs, services and general communications.

Board to ensure compliance

(2) The IESO's board of directors shall take all reasonable measures and make all reasonable plans to ensure that the obligation placed on the IESO to make information directed to the general public available in French is met.

Limitation, general

(3) The IESO's obligation to make information available in French is subject to the limits that are reasonable in the circumstances.

Limitations, rules, manuals, etc.

(4) The IESO's obligation to make information available in French does not apply to the following:

1. Rules, manuals, standards, procedures or communications relating to the operation of the IESO-administered markets or the IESO-controlled grid.
2. Rules, contracts or other program information related to the procurement of,
 - i. electricity supply or capacity,
 - ii. changes in electricity demand,
 - iii. measures related to the conservation of electricity, or
 - iv. the management of electricity demand.

Application to microFIT program, etc.

(5) The exception in paragraph 2 of subsection (4) does not apply to information with respect to,

- (a) the microFIT Program; and
- (b) the rights and obligations of low-volume consumers under a conservation or demand management program.

Definitions

(6) In this section,

"low-volume consumer" has the same meaning as in section 56 of the Ontario Energy Board Act, 1998, as the definition reads on the day subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force; ("petit consommateur")

"microFIT Program" means the micro Feed-in Tariff Program that is authorized by a direction issued to the IESO under section 25.35 and that permits certain consumers of electricity to develop very small renewable energy projects. ("Programme de TRG pour les micro-projets")

Board of directors

10. (1) The IESO's board of directors shall manage and supervise the management of the IESO's business and affairs.

Composition

(2) The board of directors shall be composed of,

- (a) the chief executive officer of the IESO; and
- (b) at least eight and not more than 10 additional individuals appointed by the Minister.

Directors to be independent

(3) Each director shall hold office as an independent director and not as a representative of any class of persons.

Restriction on persons who may be directors

(4) For the purposes of clause (2) (b), no person who is a member of a class of persons prescribed by the regulations may hold office as a director of the IESO.

Term of office and appointment

(5) A director appointed in accordance with clause (2) (b) shall hold office at pleasure for an initial term not exceeding two years and, subject to subsection (4), may be reappointed for successive terms not exceeding two years each.

Quorum

(6) A majority of the members of the board of directors constitutes a quorum of the board.

Chair

(7) The board of directors shall appoint one of its members as chair of the board.

Ceasing to hold office

(8) A director ceases to hold office in the circumstances specified in the Governance and Structure By-law.

Vacancy on board

(9) If there are one or more vacancies on the board of directors, the remaining directors may exercise all the powers of the board if they would constitute a quorum of the board, if there were no vacancies.

Chief executive officer

11. The board of directors shall appoint a chief executive officer of the IESO.

Director's duties

12. Every director of the IESO shall, in exercising and performing his or her powers and duties as a director,

- (a) act honestly and in good faith in the best interests of the IESO; and
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Conflict of interest

13. The directors, officers, employees and agents of the IESO shall comply with any provisions relating to conflict of interest contained in the Governance and Structure By-law or any procedures, rules or codes established pursuant to the By-law.

Board may establish policies, rules, etc.

14. (1) The board of directors may establish policies, rules, guidelines and codes, including codes of conduct, applicable to the directors, officers, employees and agents of the IESO and to members of panels established by the IESO.

Conflict

(2) Any provision of a policy, rule, guideline or code that conflicts with this Act, the regulations or the IESO's by-laws is void.

Delegation of board's powers

15. (1) The board of directors may, in accordance with the Governance and Structure By-law,

- (a) delegate any of its powers or duties to a committee of the board or a panel established by the board or to one or more directors; and
- (b) delegate any of its powers to manage the business and affairs of the IESO to one or more officers of the IESO.

Terms, conditions and restrictions

(2) A delegation under subsection (1) is subject to any terms, conditions and restrictions set out in the delegation.

Same

(3) A delegation under subsection (1) may be general or specific.

Exceptions

(4) The board of directors shall not delegate its power to make by-laws or to approve the financial statements or annual reports of the IESO.

Panels

16. (1) The board of directors may establish such panels as the board considers necessary for the purposes of this Act.

Testimony

(2) A member of a panel established for the purpose of resolving or attempting to resolve a dispute between market participants, or a dispute between one or more market participants and the IESO, shall not be required in any civil proceeding to give testimony with respect to information obtained in the course of resolving or attempting to resolve the dispute.

Staff and assistance re panels

17. Subject to the by-laws of the IESO, a panel established by the board of directors may use the services of,

- (a) the IESO's employees, with the consent of the IESO; and

(b) persons other than the IESO's employees who have technical or professional expertise that is considered necessary.

Stakeholder input

18. (1) The IESO shall establish one or more processes by which consumers, distributors, generators, transmitters and other persons who have an interest in the electricity industry may provide advice and recommendations for consideration by the IESO.

Same, direction by Minister

(2) The Minister may direct the IESO to establish specific processes under subsection (1) and the IESO shall comply with such a direction.

Liability

19. (1) No action or other civil proceeding shall be commenced against a director, officer, employee or agent of the IESO or a member of a committee or panel established by the board of directors of the IESO for any act done in good faith in the exercise or performance or the intended exercise or performance of a power or duty under any Act, the regulations under any Act, the IESO's licence, the IESO's by-laws or the market rules, or for any neglect or default in the exercise or performance in good faith of such a power or duty.

Same

(2) Subsection (1) does not relieve the IESO of any liability to which it would otherwise be subject in respect of a cause of action arising from any act, neglect or default referred to in subsection (1).

Confidential information relating to market participants

20. (1) A record that contains information provided to or obtained by the IESO or a predecessor relating to a market participant and that is designated by the head of the IESO as confidential or highly confidential is deemed for the purpose of section 17 of the Freedom of Information and Protection of Privacy Act to be a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization.

Definition

(2) In this section,

"head" means the person designated as the head of the IESO in the regulations made under the Freedom of Information and Protection of Privacy Act.

Liability of directors under the *Employment Standards Act, 2000*

21. Part XX of the Employment Standards Act, 2000 does not apply to a director of the IESO.

By-laws

22. (1) The board of directors of the IESO may make by-laws regulating the business and affairs of the IESO.

Governance and Structure By-law

(2) The board of directors shall ensure that it maintains a by-law dealing with matters of corporate governance and structure, including,

- (a) the appointment of the chief executive officer of the IESO;
- (b) the circumstances in which a director ceases to hold office;
- (c) the remuneration and benefits of the chair and the other members of the board;
- (d) conflict of interest;
- (e) the delegation of the IESO's powers and duties;
- (f) the establishment, composition and functions of panels;
- (g) such other matters as are prescribed by regulation or as are appropriate to the governance and structure of the corporation.

Amendment or repeal of Governance and Structure By-law

(3) A by-law that amends or repeals the Governance and Structure By-law shall be filed with the Minister by the board of directors.

Disallowance

(4) The Minister may disallow a by-law to which subsection (3) applies by written notice to the board of directors given within 60 days after the by-law is filed with the Minister.

Effective date

(5) A by-law to which subsection (3) does not apply comes into force on the day it is made or on such later date as may be specified in the by-law.

Same

(6) Subject to subsections (4) and (7), a by-law to which subsection (3) applies comes into force on the earlier of the following dates:

1. The expiry of the 60-day period referred to in subsection (4).
2. The day on which the Minister notifies the board of directors in writing that he or she will not disallow the by-law.

Same

(7) Subject to subsection (4), a by-law to which subsection (3) applies may specify that it comes into force on a day later than the day determined under subsection (6).

Conflict between by-laws

(8) In the event of a conflict between the Governance and Structure By-law and another by-law, the Governance and Structure By-law prevails.

Legislation Act, 2006, Part III

(9) Part III (Regulations) of the Legislation Act, 2006 does not apply to by-laws made under this section.

Province may purchase securities, etc.

23. (1) The Lieutenant Governor in Council may by order authorize the Minister of Finance to purchase securities of or make loans to the IESO in the amounts, at the times and on the terms and conditions as the Minister of Finance may determine subject to the maximum principal amount specified by the Lieutenant Governor in Council that may be purchased or advanced or that may be outstanding at any time and subject to any other terms and conditions that are specified by the Lieutenant Governor in Council.

Payment from C.R.F.

(2) The Minister of Finance may pay out of the Consolidated Revenue Fund any amount required for the purposes of subsection (1).

Delegation

(3) In an order under subsection (1), the Lieutenant Governor in Council may delegate any or all of the powers of the Minister of Finance under this section to,

- (a) a public servant employed under Part III of the Public Service of Ontario Act, 2006 who works in the Ministry of Finance, other than in the office of the Minister of Finance;
- (b) the chief executive officer of the Ontario Financing Authority;
- (c) a public servant employed under Part III of the Public Service of Ontario Act, 2006 who works in the Ontario Financing Authority;
- (d) a solicitor engaged to act for the Minister of Finance; or
- (e) a solicitor engaged to act for the Ontario Financing Authority.

Fees payable to Minister of Finance

(4) The IESO shall pay to the Minister of Finance such fees as are prescribed by the regulations in respect of securities purchased and sums loaned under this section.

Business plan

24. (1) At least 120 days before the beginning of each fiscal year, the IESO shall submit its proposed business plan for the fiscal year to the Minister for approval.

Minister's approval

(2) The Minister may approve the proposed business plan or refer it back to the IESO for further consideration.

Transition, business plan

(3) Despite subsection (1) and when requested to do so by the Minister, the IESO shall submit a business plan in respect of its first full or partial fiscal year that occurs after subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force within 30 days after the Minister requests the plan and the Minister may approve the proposed business plan or refer it back to the IESO for further consideration.

Transition, Minister's discretion

(4) The Minister shall exercise his or her discretion to request that the IESO submit a business plan under subsection (3), solely where, in the Minister's opinion, there is insufficient time for the IESO to comply with subsection (1).

Review of requirements and fees

25. (1) The IESO shall, at least 60 days before the beginning of each fiscal year, submit its proposed expenditure and revenue requirements for the fiscal year and the fees it proposes to charge during the fiscal year to the Board for review, but shall not do so until after the Minister approves the IESO's proposed business plan for the fiscal year under section 24.

Previous fees continued

(2) Until the Board approves the proposed expenditure and revenue requirements for the fiscal year and the fees the IESO proposes to charge during the fiscal year, the fees approved for the previous fiscal year remain in effect unless the Board orders otherwise.

Exception

(3) Where the IESO is unable to make its submission under subsection (1) within the time required under that subsection, the IESO shall file its proposed expenditure and revenue requirements for the fiscal year and the fees it proposes to charge during the fiscal year to the Board for review as soon as possible after the Minister has approved its business plan under section 24.

Board's powers

(4) The Board may approve the proposed expenditure and revenue requirements and the proposed fees or may refer them back to the IESO for further consideration with the Board's recommendations.

Same

(5) In reviewing the IESO's proposed expenditure and revenue requirements and proposed fees, the Board shall not take into consideration the remuneration and benefits of the chair and other members of the board of directors of the IESO.

Changes in fees

- (6) The IESO shall not, without the approval of the Board,
- (a) establish, eliminate or change any fees it has established; or
 - (b) eliminate or change any fees established by a predecessor that remain in effect.

Hearing

- (7) The Board may hold a hearing before exercising its powers under this section, but is not required to do so.

Transition, initial fiscal year

(8) Despite subsection (1), the IESO shall submit its proposed expenditure and revenue requirements for its first full or partial fiscal year that occurs after subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force and the fees it proposes to charge during that full or partial fiscal year to the Board for review not later than 30 days after the Minister approves the IESO's proposed business plan for that full or partial fiscal year under subsection 24 (3), but shall not submit its proposed expenditure and revenue requirements until after the Minister approves the proposed business plan.

Transition, fees

(9) Until the Board approves the proposed expenditure and revenue requirements for the IESO's first full or partial fiscal year that occurs after subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force and the fees the IESO proposes to charge during that full or partial fiscal year, the IESO shall continue to charge the fees that were approved by the Board and that applied to its predecessors immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force.

Transition, orders

(10) For greater certainty, the Board's orders relating to the predecessors' expenditure and revenue requirements and fees for their fiscal year that applied immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force continue to be in effect until the Board approves the first expenditure and revenue requirement and fees for the IESO.

Fees

- 25.1** (1) The IESO may establish and charge fees to recover,
- (a) the costs of anything done in connection with the IESO-controlled grid or the IESO-administered markets;
 - (b) the costs of doing anything the IESO is required or permitted to do under this or any other Act; and
 - (c) any other type of expenditure the recovery of which is permitted by the regulations, subject to any limitations and restrictions set out in the regulations.

May recover costs of procurement contracts

(2) For greater certainty, the IESO may, subject to the regulations, establish and impose charges to recover from consumers its costs and payments related to procurement contracts.

Board deemed to approve recovery

- (3) The IESO's recovery of its costs and payments related to procurement contracts is deemed to be approved by the Board.

Auditor

25.2 (1) The board of directors of the IESO shall appoint one or more auditors licensed under the Public Accounting Act, 2004 to audit annually the accounts and transactions of the IESO.

Auditor General

- (2) The Auditor General may audit the accounts and transactions of the IESO.

Annual report

25.3 (1) The IESO shall, within 90 days after the end of every fiscal year, submit to the Minister an annual report on its affairs during that fiscal year, signed by the chair of its board of directors.

Financial statements

- (2) The audited financial statements of the IESO shall be included in the annual report.

Tabling

(3) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then table the report before the Assembly if it is in session or, if not, deposit the report with the Clerk of the Assembly.

Other persons

- (4) The IESO may give its annual report to other persons before the Minister complies with subsection (3).

Transition, annual reports

(5) The board of directors shall prepare and deliver the annual report for the last fiscal year of each of the predecessor Independent Electricity System Operator and the Ontario Power Authority within 90 days after the day subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force.

Other reports

25.4 (1) The IESO shall submit to the Minister such reports and information as the Minister may require from time to time.

Same

(2) The IESO shall submit to the Minister of Finance such reports and information as the Minister of Finance may require from time to time.

Information to Board, etc.

25.5 (1) The IESO shall provide the Board and the Market Surveillance Panel with such information as the Board or Panel may require from time to time.

Same

(2) Without limiting the generality of subsection (1), the IESO shall provide the Board and the Market Surveillance Panel with such information relating to any actual or potential conflict of interest related to the actions, operations or functions of the IESO as the Board or Panel may require from time to time.

Application of corporations statutes

25.6 Except as otherwise provided by the regulations, the Business Corporations Act, the Corporations Act and the Corporations Information Act do not apply to the IESO.

Statutory Powers Procedure Act

25.7 The Statutory Powers Procedure Act does not apply to a proceeding before the IESO, its board of directors or any committee, panel, person or body to which a power or duty has been delegated under this Part.

Transitional Matters

Transition, corporate matters

25.8 (1) The following occur when subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force:

1. The predecessor Independent Electricity System Operator and the Ontario Power Authority cease to exist as entities separate from the IESO.
2. All rights, property and assets that belong to the predecessor Independent Electricity System Operator and the Ontario Power Authority immediately before the subsection comes into force become the rights, property and assets of the IESO.
3. All outstanding debts, liabilities and obligations of the predecessor Independent Electricity System Operator and the Ontario Power Authority immediately before the subsection comes into force become the debts, liabilities and obligations of the IESO.
4. The members of the boards of directors of the predecessor Independent Electricity System Operator and the Ontario Power Authority holding office immediately before the subsection comes into force cease to be members of their respective board of directors when the subsection comes into force, but nothing in this paragraph prevents them from being appointed to the board of directors of the IESO.
5. An individual who ceases to hold office as director by reason of paragraph 4 has no right of recourse against the Crown or any person.
6. The by-laws of the predecessor Independent Electricity System Operator in effect immediately before the subsection comes into force become the by-laws of the IESO.
7. Any licence issued by the Board to the predecessor Independent Electricity System Operator or the Ontario Power Authority in effect immediately before the subsection comes into force is deemed to be a licence issued by the Board to the IESO and remains in effect until amended or revoked.
8. An agreement, security, licence, approval, permit or other instrument to which the predecessor Independent Electricity System Operator or the Ontario Power Authority is a party immediately before the subsection comes into force has effect after the subsection comes into force as if,
 - i. the IESO were substituted for the predecessor Independent Electricity System Operator or the Ontario Power Authority, as the case requires, as a party to the agreement, security, licence, approval, permit or other instrument, and
 - ii. any reference in the agreement, security, licence, approval, permit or other instrument to the predecessor Independent Electricity System Operator or the Ontario Power Authority were a reference to the IESO.
9. The IESO is a party to each on-going proceeding to which the predecessor Independent Electricity System Operator or the Ontario Power Authority is a party immediately before the subsection comes into force, replacing the predecessor Independent Electricity System Operator or the Ontario Power Authority, as the case may be.
10. Any direction issued by the Minister under section 25.32 or 25.35, as those provisions read immediately before the subsection comes into force, remains in full force and in effect in respect of the IESO.

Same, par. 3 of subs. (1)

(2) The operation of paragraph 3 of subsection (1),

- (a) does not constitute a breach, termination or repudiation of the debt, liability or obligation or the frustration of any agreement related to the debt, liability or obligation or an event of default or force majeure; and
- (b) does not constitute or give rise to any estoppel or any right to terminate or repudiate an agreement related to the debt, liability or obligation.

Same, par. 8 of subs. (1)

(3) The operation of paragraph 8 of subsection (1),

(a) does not constitute a breach, termination or repudiation of the agreement, security, licence, approval, permit or other instrument or the frustration of the agreement or an event of default or force majeure; and

(b) does not constitute or give rise to any estoppel or any right to terminate or repudiate an agreement, security, licence, approval, permit or other instrument.

Same, references

(4) A reference to the predecessor Independent Electricity System Operator or the Ontario Power Authority in any by-law, resolution, agreement or other document shall be read as if it were a reference to the IESO.

Transition, employment matters

25.9 (1) All individuals who were employees of the predecessor Independent Electricity System Operator or the Ontario Power Authority immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force become employees of the IESO when the subsection comes into force.

Agreements

(2) All employment agreements to which the predecessor Independent Electricity System Operator or the Ontario Power Authority was a party and that were in effect immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force continue in effect after the subsection comes into force as if the IESO were substituted for the predecessor Independent Electricity System Operator or the Ontario Power Authority, as the case may be, as a party to the agreement.

Same

(3) The operation of subsections (1) and (2) does not constitute a breach, termination, repudiation or the frustration of an employment agreement.

Transition, governance and other matters

25.10 (1) This section applies in respect of the governance of the IESO and other matters concerning the IESO on the day subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force.

Chief executive officer

(2) Despite sections 11 and 25.9, the chief executive officers of the predecessors cease to hold office on the day subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force and the Minister shall appoint the first chief executive officer of the IESO, but nothing in this subsection prevents the board of directors of the IESO from appointing any subsequent chief executive officer.

Panels

(3) A panel established under section 13 or 25.10 as they read immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force is continued after that subsection comes into force and is deemed to be a panel established by the IESO board of directors under subsection 16 (1).

Stakeholder input

(4) Any process established under section 13.2 or 25.12 as they read immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force is continued after that subsection comes into force and is deemed to be a process established by the IESO under section 18.

Fees

(5) Any fee payable to a predecessor that remains unpaid on the day subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force is payable to the IESO at the same time and on the same terms as if the IESO were the predecessor.

Market rules

(6) Any market rule established under section 32 as it read immediately before subsection 3 (1) of Schedule 7 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force remains in effect after that subsection comes into force and is deemed to be a market rule established by the IESO until it is amended or revoked in accordance with this Act.

(2) Section 25.6 of the Act, as re-enacted by subsection (1), is amended by striking out “the Corporations Act” and substituting “the Not-for-Profit Corporations Act, 2010”.

4. (1) Subsection 25.29 (1) of the Act is amended by striking out “The OPA” at the beginning and substituting “The IESO”.

(2) Subsection 25.29 (2) of the Act is amended by striking out “the OPA” and substituting “the IESO”.

5. (1) Subsection 25.30 (1) of the Act is amended by striking out “the OPA” in the portion before clause (a) and substituting “the IESO”.

(2) Subsection 25.30 (2) of the Act is amended by striking out “the OPA” in the portion before clause (a) and substituting “the IESO”.

(3) Subsection 25.30 (4) of the Act is amended by striking out “the OPA” and substituting “the IESO”.

(4) Subsection 25.30 (5) of the Act is amended by striking out “the OPA” and substituting “the IESO”.

6. (1) Subsection 25.31 (1) of the Act is amended by striking out “The OPA” at the beginning and substituting “The IESO”.

(2) Subsection 25.31 (2) of the Act is amended by striking out “The OPA’s” at the beginning and substituting “The IESO’s”.

(3) Subsection 25.31 (3) of the Act is repealed and the following substituted:

Application for approval

(3) The IESO shall apply to the Board for approval of its proposed procurement processes, and any amendments it proposes.

(4) Subsection 25.31 (4) of the Act is repealed and the following substituted:

Board approval

(4) The Board shall review the IESO's proposed procurement processes and any proposed amendments and may approve the procurement processes or refer all or part of them back with comments to the IESO for further consideration and resubmission to the Board.

7. (1) Subsection 25.32 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Procurement contracts

(1) When the IESO considers it advisable, it shall enter into contracts in accordance with procurement processes approved under section 25.31 for the procurement of,

(2) Subsection 25.32 (2) of the Act is amended by striking out "The OPA" at the beginning of the portion before clause (a) and substituting "The IESO".

(3) Subsection 25.32 (4) of the Act is amended by striking out "the OPA" in the portion before clause (a) and substituting "the IESO".

(4) Subclause 25.32 (4) (a) (i) of the Act is amended by striking out "the OPA's" and substituting "the IESO's".

(5) Subsection 25.32 (4.1) of the Act is amended by striking out "the OPA" in the portion before clause (a) and substituting "the IESO".

(6) Subsection 25.32 (4.2) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(7) Subsection 25.32 (4.3) of the Act is amended by striking out "the OPA" at the end and substituting "the IESO".

(8) Subsection 25.32 (4.4) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(9) Subsection 25.32 (4.5) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(10) Subsection 25.32 (4.6) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(11) Subsection 25.32 (4.7) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(12) Subsection 25.32 (5) of the Act is amended by striking out "the OPA" wherever it appears and substituting in each case "the IESO".

(13) Paragraph 1 of subsection 25.32 (6) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(14) Paragraph 3 of subsection 25.32 (6) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(15) Subsection 25.32 (7) of the Act is amended by striking out "The OPA" at the beginning and substituting "The IESO".

8. (1) Subsection 25.33 (1) of the Act is repealed and the following substituted:

Electricity pricing to reflect costs

IESO to make adjustments

(1) The IESO shall, through its billing and settlement systems, make adjustments in accordance with the regulations that ensure that, over time, payments by classes of market participants in Ontario that are prescribed by regulation reflect,

(a) amounts paid to generators, the Financial Corporation and distributors, whether the amounts are determined under the market rules or under section 78.1, 78.2 or 78.5 of the Ontario Energy Board Act, 1998; and

(b) amounts paid to entities with whom the IESO has a procurement contract, as determined under the procurement contract.

(2) Subsection 25.33 (2) of the Act is repealed and the following substituted:

Distributors and retailers to make adjustments

(2) Distributors and retailers shall, through their billing systems, make adjustments in accordance with the regulations that ensure that, over time, payments by classes of consumers in Ontario that are prescribed by regulation reflect,

(a) amounts paid to generators, the Financial Corporation and distributors, whether the amounts are determined under the market rules or under section 78.1, 78.2 or 78.5 of the Ontario Energy Board Act, 1998; and

(b) amounts paid to entities with whom the IESO has a procurement contract, as determined under the procurement contract.

(3) Subsection 25.33 (3) of the Act is amended by striking out "the OPA" in the portion before paragraph 2 and substituting "the IESO".

(4) Subsection 25.33 (4) of the Act is amended by striking out "The OPA, the IESO" at the beginning and substituting "The IESO".

(5) Subsection 25.33 (5) of the Act is amended by striking out "The OPA" at the beginning and substituting "The IESO".

9. Section 25.34 of the Act is repealed.

10. (1) Subsection 25.35 (1) of the Act is amended by striking out "the OPA" and substituting "the IESO".

(2) Subsection 25.35 (2) of the Act is amended by striking out "the OPA shall follow" in the portion before clause (a) and substituting "the IESO shall follow".

(3) Subsection 25.35 (3) of the Act is repealed.

11. Subsection 25.37 (1) of the Act is amended by striking out "A distributor, transmitter, the OPA and the IESO" at the beginning and substituting "A distributor, transmitter and the IESO".

12. Subsection 26 (1) of the Act is amended by striking out “generators, retailers and consumers” and substituting “generators, retailers, market participants and consumers”.
13. Subsection 29.1 (1) of the Act is amended by striking out “or the OPA” in the portion before clause (a) and substituting “or the IESO”.
14. Paragraph 4 of section 53.8 of the Act is amended by striking out “the OPA” in the portion before subparagraph i and substituting “the IESO”.
15. (1) Clauses 114 (1) (a), (a.1), (b) and (c) of the Act are repealed and the following substituted:
- (a) prescribing other objects for the purposes of clause 6 (1) (s);
 - (b) governing the IESO’s borrowing, investment of funds and the management of its financial assets, liabilities and risks, including,
 - (i) prescribing rules and restrictions that apply to borrowing, investment and management of financial assets, liabilities and risks,
 - (ii) prescribing purposes for which the IESO may borrow, invest or manage its financial assets, liabilities and risks,
 - (iii) prescribing the types of debt instruments and financial obligations that the IESO can issue or enter into for or in relation to borrowing,
 - (iv) prescribing classes of securities, investment instruments and financial agreements that the IESO is authorized to invest in or enter into or is not authorized to invest in or enter into;
 - (c) governing the IESO’s obligation to make information available in French;
 - (c.1) prescribing classes of persons for the purposes of subsection 10 (4);
 - (c.2) prescribing other matters that are to be dealt with in the Governance and Structure By-law;
 - (c.3) respecting the calculation of the fees referred to in subsection 23 (4) and respecting the manner in which and the time at which they are to be paid;
 - (c.4) prescribing the types of expenditures the IESO may recover through fees and charges and any restrictions and limitations in respect of the recovery of an expenditure;
 - (c.5) respecting the calculation of the fees and charges referred to in section 25.1 and respecting the manner in which and the time at which they are collected by the IESO;
 - (c.6) prescribing provisions of the Business Corporations Act, the Corporations Act or the Corporations Information Act that apply, with necessary modifications, to the IESO;
- (2) Clause 114 (1) (c.6) of the Act, as enacted by subsection (1), is amended by striking out “the Corporations Act” and substituting “the Not-for-Profit Corporations Act, 2010”.
- (3) Subsection 114 (1) of the Act is amended by adding the following clause:
- (o.1) prescribing anything referred to in this Act as prescribed by the regulations or as prescribed;
- (4) Subsection 114 (1.2) of the Act is repealed.
- (5) Subclauses 114 (1.3) (f) (i) and (ii) of the Act are repealed and the following substituted:
- (i) prescribing methods for determining the amounts of adjustments under subsection 25.33 (1), the classes of market participants and consumers to whom those adjustments apply, the time periods to which the adjustments apply and the time periods within which the adjustments must or may be made and the manner in which the amounts are paid to generators, the Financial Corporation, distributors and other entities,
 - (ii) prescribing adjustments that must or may be made by distributors or retailers with respect to classes of consumers or other distributors or retailers, methods for determining the amount of the adjustments, the time periods to which the adjustments apply and the time periods within which the adjustments must or may be made and the manner in which the amounts are paid to generators, the Financial Corporation, distributors and other entities,
- (6) Subclauses 114 (1.3) (f) (v), (vi), (vii) and (viii) of the Act are repealed and the following substituted:
- (v) requiring the IESO to make payments to a distributor or retailer and prescribing methods for determining the amounts payable,
 - (vi) requiring a distributor to make payments to the IESO, another distributor or a retailer and prescribing methods for determining the amounts payable,
 - (vii) requiring a retailer to make payments to the IESO or a distributor and prescribing methods for determining the amounts payable,
- (7) Subclauses 114 (1.3) (f) (xii), (xiii) and (xiv) of the Act are repealed and the following substituted:
- (xii) requiring a distributor, retailer or generator to provide information to the IESO, a distributor or the Board for the purposes of section 25.33 or a regulation made under this clause,
 - (xiii) requiring the IESO to provide information to the Board for the purposes of section 25.33 or a regulation made under this clause,
 - (xiv) requiring the Financial Corporation to provide information to the IESO or the Board for the purposes of section 25.33 or a regulation made under this clause,
- (8) Clause 114 (1.3) (g.1) of the Act is amended by striking out “the OPA” and substituting “the IESO”.
- (9) Clause 114 (1.3) (h) of the Act is repealed.
- (10) Subsection 114 (2) of the Act is amended by striking out “subsection (1), (1.2) or (1.3)” and substituting “subsection (1) or (1.3)”.
- (11) Subsection 114 (5) of the Act is amended by striking out “clause (1.2) (b) or (1.3) (f) or (h)” and substituting “clause (1) (b) or (1.3) (f)”.
- (12) Subsection 114 (6) of the Act is amended by striking out “subclause (1.3) (f) (xii) or (xiii) or (h) (ix) or (x)” and substituting “subclause (1.3) (f) (xii) or (xiii)”.

(13) Subsection 114 (7) of the Act is amended by striking out “clause (1.3) (f) or (h)” and substituting “clause (1.3) (f)”.

(14) Section 114 of the Act is amended by adding the following subsections:

Transition, IESO

(9) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate,

- (a) the amalgamation of the predecessor Independent Electricity System Operator and the Ontario Power Authority; and
- (b) the merging or segregation within the IESO of any of the duties, functions or activities of the predecessor Independent Electricity System Operator and the Ontario Power Authority.

Same, pension matters

(10) Without limiting the generality of subsection (9), the Lieutenant Governor in Council may make regulations governing transitional matters arising from the amalgamation of the predecessor Independent Electricity System Operator and the Ontario Power Authority with respect to pensions, including regulations,

- (a) respecting the right to continue a prescribed pension plan as a pension plan for the employees of the IESO and any persons who become employees of the IESO in the future;
- (b) governing the right of the IESO to create a new pension plan for its employees;
- (c) respecting the right of the board of directors of the IESO to determine which employees will be members of a prescribed pension plan or a new pension plan created under the regulations made under this subsection;
- (d) governing any matters relating to a prescribed pension plan or any new pension plans created under the regulations made under this subsection.

Complementary Amendments

Broader Public Sector Executive Compensation Act, 2014

16. (1) This section applies only if Bill 8 (Public Sector and MPP Accountability and Transparency Act, 2014), introduced on July 8, 2014, receives Royal Assent.

(2) References in this section to provisions of Bill 8 are references to those provisions as they were numbered in the first reading version of the Bill.

(3) On the later of the day this section comes into force and the day that subsection 3 (1) of Schedule 1 to Bill 8 comes into force, paragraph 6 of subsection 3 (1) of Schedule 1 to Bill 8 is repealed.

Commencement

Commencement

17. (1) Subject to subsections (2), (3) and (4), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(2) Subsection 3 (2) comes into force on the later of the day subsection 4 (1) of the Not-for-Profit Corporations Act, 2010 comes into force and the day subsection 3 (1) of this Schedule comes into force.

Same

(3) Subsection 10 (3) comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Same

(4) Subsection 15 (2) comes into force on the later of the day subsection 4 (1) of the Not-for-Profit Corporations Act, 2010 comes into force and the day subsection 15 (1) of this Schedule comes into force.

schedule 8

Environmental Bill of Rights, 1993

1. Paragraph 2 of subsection 58.1 (3) of the Environmental Bill of Rights, 1993 is repealed.

Commencement

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

Schedule 9

Family Law Act

1. (1) The French version of the definition of “parent” in subsection 1 (1) of the Family Law Act is amended by adding “Le terme “parent” a un sens correspondant.” at the end.

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

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

2. Subsection 6 (10) of the Act is amended by striking out “made under this Act”.

3. (1) Subsection 20 (1) of the Act is amended by striking out “made under this Act” at the end.

(2) Clause 20 (6) (a) of the Act is amended by striking out “made under this Act” at the end.

4. Clause 24 (3) (b) of the Act is amended by adding “or other enforceable support obligations” at the end.

5. Subsection 35 (2) of the Act is amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following clause:

(d) in the case of a provision for the support of a child, may be recalculated under section 39.1.

6. Section 39 of the Act is repealed and the following substituted:

Administrative calculation of child support

Definition

39. (1) In this section,

“child support calculation service” means the service established by the Government of Ontario for the purposes of this section.

Application for calculation

(2) Subject to subsection (3), a parent of a child may apply in accordance with the regulations for a calculation by the child support calculation service of an amount to be paid for the support of the child.

Requirements

(3) Subsection (2) does not apply unless the following requirements are met:

1. The parent is the natural or adoptive parent of the child, or has custody of the child under an order or domestic contract.
2. If the parent is the natural or adoptive parent of the child,
 - i. the parents of the child live separate and apart, and
 - ii. the child lives with one of the parents with the consent, implied consent or acquiescence of the other parent.
3. No order has been made by a court providing for the support of the child, and no domestic contract containing a provision for support of the child has been filed under subsection 35 (1).
4. Any other requirement specified by the regulations.

Information to be provided

(4) The child support calculation service shall not calculate an amount under this section unless each parent of the child has provided the income information and any other information that is required by the regulations, in the manner or form specified by the regulations.

Application of child support guidelines

(5) Amounts calculated by the child support calculation service shall be determined in accordance with the child support guidelines as if the amounts were being calculated for the purposes of an order under this Part for the support of a child, subject to such modifications in the application of the child support guidelines as the regulations may specify.

Periodic payments

(6) Amounts calculated under this section are payable on a monthly basis, or on such other periodic basis as may be specified by the regulations.

Notice

(7) The child support calculation service shall give notice to the parents of a calculation of support payable in respect of a child, showing,

- (a) the date on which the calculation was made;
- (b) the income information on which the calculation was based;
- (c) the amount payable for support and by which parent;
- (d) the child’s name and birthdate;
- (e) the date on which the first payment is due and when subsequent payments become due; and
- (f) any other information required by the regulations to be provided in the notice.

When amount becomes due

(8) The first payment under a notice of calculation is due,

- (a) on the 31st day after the day the notice is given, as determined by the regulations; or
- (b) on the first instance of a day consented to by the parents in the application for calculation that follows the day described in clause (a).

Corrections to notice

(9) If the notice of calculation contains an error respecting the amount payable or to whom, any parent affected by the error may, subject to subsection (10), apply in accordance with the regulations to have the error corrected.

Limitation on corrections

(10) An application for a correction under subsection (9) may be made no later than the time specified by the regulations.

No error respecting payment

(11) If the correction of the error does not result in a change to the amount to be paid under the notice or to whom, or if there is in fact no error, the child support calculation service shall give notice to that effect to the parents.

Copies to Director

(12) The child support calculation service shall, on receiving an application under subsection (9) or on giving notice under subsection (11), file a copy of the application or notice with the office of the Director of the Family Responsibility Office.

Effect of correction

(13) If a notice of calculation is corrected and the correction results in a change to the amount to be paid or to whom,

- (a) the child support calculation service shall give a new notice under subsection (7) to the parents;
- (b) subsections (8), (9), (10), (11), (12) and this subsection apply with respect to the new notice; and
- (c) the original notice of calculation ceases to have effect.

Effect of notice of calculation

(14) A notice of calculation shall be treated as if it were an order of a court for the purposes of,

- (a) enforcement;
- (b) subsections 34 (3), (3.1) and (4); and
- (c) recalculation under section 39.1.

Enforcement by Director

(15) For the purposes of clause (14) (a), a notice of calculation shall be enforced by the Director of the Family Responsibility Office in accordance with and subject to the Family Responsibility and Support Arrears Enforcement Act, 1996.

7. The Act is amended by adding the following section:

Administrative recalculation of child support

Definition

39.1 (1) In this section,

“child support recalculation service” means the service established by the Government of Ontario for the purposes of this section.

Application for recalculation

(2) If a party to an order for the support of a child believes that the income information on which the order was based has changed, the party may apply in accordance with the regulations for a recalculation by the child support recalculation service of the amount payable under the order.

Ineligible

(3) Subsection (2) does not apply with respect to any order or child support obligation that is prescribed by the regulations as being ineligible for recalculation under this section.

Information to be provided

(4) In an application under subsection (2), every party shall provide the income information and any other information that is required by the regulations, in the manner or form and within the timelines specified by the regulations.

If income information not provided

(5) If a party does not provide income information in accordance with subsection (4), the child support recalculation service shall determine an income amount in accordance with the regulations, and that amount is deemed to be the person's income for the purposes of the recalculation.

Application of child support guidelines

(6) Amounts calculated by the child support recalculation service shall be determined in accordance with the child support guidelines as if the amounts were being calculated for the purposes of an order for the support of a child, subject to such modifications in the application of the child support guidelines as the regulations may specify.

Notice

(7) Subject to subsection (8), the child support recalculation service shall give notice of a recalculation to the parties and to any agency to which the order is assigned showing,

- (a) the date on which the recalculation was made;
- (b) the income information on which the recalculation was based;
- (c) the recalculated amount payable for support and by which parent;
- (d) the name and birthdate of each child in respect of whom the support is payable;
- (e) the date on which the first payment is due and when subsequent payments become due; and
- (f) any other information required by the regulations to be provided in the notice.

No recalculated amount

(8) If the difference between an amount payable for support under the order and the recalculated amount is less than an amount specified by the regulations,

(a) the amount payable for support remains unchanged; and

(b) the child support recalculation service shall give notice to that effect to the parties and to any agency to which the order is assigned, and the notice shall set out how the recalculated amount was determined and any other related information.

Copy to Director

(9) On giving a notice under subsection (8) in relation to a support order that is being enforced by the Director of the Family Responsibility Office, the child support recalculation service shall file a copy of the notice with the Director's office.

When recalculated amount becomes due

(10) The first payment of the recalculated amount is due,

(a) on the first instance of the due date specified in the order that follows the 31st day after the day the notice of recalculation is given, as determined by the regulations; or

(b) on the first instance of another day consented to by the parties in the application for recalculation that follows the 31st day after the day the notice of recalculation is given, as determined by the regulations.

Corrections to notice

(11) If the notice of recalculation or a notice given under subsection (8) contains an error respecting the amount payable or to whom, any party or any agency to which the order is assigned may, subject to subsection (12), apply in accordance with the regulations to have the error corrected.

Limitation on corrections

(12) An application for a correction under subsection (11) may be made no later than the time specified by the regulations.

No error respecting payment

(13) If the correction of the error does not result in a change to the amount to be paid in accordance with the notice or to whom, or if there is in fact no error, the child support recalculation service shall give notice to that effect to the parties and to any agency to which the order is assigned.

Copies to Director

(14) The child support recalculation service shall, on receiving an application under subsection (11) or giving notice under subsection (13) in relation to a support order that is being enforced by the Director of the Family Responsibility Office, file a copy of the application or notice with the Director's office.

Effect of correction

(15) If a notice of recalculation or a notice given under subsection (8) is corrected and the correction results in a change to the amount to be paid or to whom,

(a) the child support recalculation service shall give a new notice under subsection (7) or (8), as the case may be;

(b) subsections (9), (10), (11), (12), (13), (14) and this subsection apply with respect to the new notice as applicable; and

(c) if the error was in a notice of recalculation, that notice ceases to have effect.

Recalculation deemed to be part of order

(16) Subject to subsection 25.1 (5) of the Divorce Act (Canada), on the day that the first payment of the recalculated amount becomes payable in accordance with subsection (10), the recalculated amount is deemed to be the amount payable under the order for the support of the child and, if the due date for payments under the order is changed in accordance with clause (10) (b), the new due date is deemed to be the date on which payments are due under the order.

8. (1) Subsection 46 (4) of the Act is amended by striking out "immediately before the day section 35 of the Family Statute Law Amendment Act, 2009 came into force" in the portion before clause (a) and substituting "on October 14, 2009".

(2) Clause 46 (4) (a) of the Act is amended by striking out "before that day" and substituting "before October 15, 2009".

(3) Clause 46 (4) (b) of the Act is amended by striking out "immediately before that day" at the end and substituting "on October 14, 2009".

9. (1) Subsection 49 (1) of the Act is amended by adding "other than orders under section 46" after "orders under this Act".

(2) Section 49 of the Act is amended by adding the following subsection:

Transition

(3) This section, as it read on October 14, 2009, continues to apply to orders referred to in clause 46 (4) (b).

10. (1) Section 69 of the Act is amended by adding the following subsections:

Same

(5) The Lieutenant Governor in Council may make regulations governing the calculation of amounts payable for the support of a child for the purposes of section 39, including regulations,

(a) governing applications for a calculation;

(b) prescribing additional requirements for the purposes of paragraph 4 of subsection 39 (3);

(c) governing the provision of information under subsection 39 (4), including specifying the income information and other information that is required to be provided, providing for the collection of a person's income information from the Canada Revenue Agency on the person's consent, and setting out the manner or form in which information must be provided;

- (d) governing the determination of amounts payable for the support of a child in accordance with the child support guidelines by the child support calculation service, including,
 - (i) providing that any part of the child support guidelines do not apply or apply subject to specified modifications,
 - (ii) excluding specified special or extraordinary expenses, within the meaning of section 7 of the child support guidelines, from calculation under section 39 of this Act, and providing for methods of calculating special or extraordinary expenses that are not excluded;
 - (e) specifying periods for the purposes of subsection 39 (6);
 - (f) respecting additional information to be provided in a notice of calculation for the purposes of clause 39 (7) (f);
 - (g) governing the determination of the day on which a notice of calculation is given, for the purposes of subsection 39 (8);
 - (h) governing the making of corrections under subsection 39 (9), including the process for applying for a correction;
 - (i) specifying times for the purposes of subsection 39 (10);
 - (j) providing for the correction of errors in notices of calculation other than errors described in subsection 39 (9) and governing the making of such corrections, including,
 - (i) providing for procedures to correct such errors,
 - (ii) setting out a time limit on having such errors corrected,
 - (iii) providing for the issuance of new or corrected notices of calculation, and
 - (iv) specifying the effect of a correction on a notice of calculation, including providing that the notice of calculation containing the error ceases to have effect;
 - (k) providing that an obligation to pay child support under a notice of calculation terminates on a specified date or event, and governing the determination of dates and events for the purpose;
 - (l) governing the payment of fees in relation to calculations under section 39, including prescribing fees and requiring their payment, setting out the time or manner of payment, and providing for exemptions from payment and setting out conditions or circumstances for any exemption.

Same

(6) Regulations made under clause (5) (c) may require a parent of a child to provide personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, respecting the child, another parent of the child, or any other person whose personal information is relevant to the calculation of child support under section 39 of this Act.

(2) Section 69 of the Act is amended by adding the following subsections:

Same

(7) The Lieutenant Governor in Council may make regulations governing the recalculation of amounts payable for the support of a child for the purposes of section 39.1, including regulations,

- (a) governing applications for a recalculation, including limiting when or how frequently a person can apply for a recalculation;
- (b) prescribing orders or child support obligations for the purposes of subsection 39.1 (3);
- (c) governing the provision of information under subsection 39.1 (4), including specifying the income information and other information that is required to be provided, providing for the collection of a person's income information from the Canada Revenue Agency on the person's consent, setting out the manner or form in which information must be provided, and specifying timelines by which it must be provided;
- (d) governing the determination of income amounts for the purposes of subsection 39.1 (5);
- (e) governing the determination of amounts payable for the support of a child in accordance with the child support guidelines by the child support recalculation service, including,
 - (i) providing that any part of the child support guidelines do not apply or apply subject to specified modifications,
 - (ii) excluding specified special or extraordinary expenses, within the meaning of section 7 of the child support guidelines, from recalculation under section 39.1 of this Act, and providing for methods of recalculating special or extraordinary expenses that are not excluded;
 - (f) respecting additional information to be provided in a notice of recalculation for the purposes of clause 39.1 (7) (f);
 - (g) respecting the determination of amounts for the purposes of subsection 39.1 (8);
 - (h) governing the determination of the day on which a notice of recalculation is given, for the purposes of subsection 39.1 (10);
 - (i) governing the making of corrections under subsection 39.1 (11), including the process for applying for a correction;
 - (j) specifying times for the purposes of subsection 39.1 (12);
 - (k) providing for the correction of errors in notices of recalculation other than errors described in subsection 39.1 (11) and governing the making of such corrections, including,
 - (i) providing for procedures to correct such errors,
 - (ii) setting out a time limit on having such errors corrected,
 - (iii) providing for the issuance of new or corrected notices of recalculation or notices under subsection 39.1 (8), and

(iv) specifying the effect of a correction on a notice of recalculation, including providing that the notice of recalculation containing the error ceases to have effect;

(l) providing that an obligation to pay child support in accordance with a notice of recalculation terminates on a specified date or event, and governing the determination of dates and events for the purpose;

(m) providing that amounts recalculated under section 39.1 are subject to automatic recalculation under that section by or on a specified date or event, governing the determination of dates and events for the purpose, and governing procedures for such a recalculation, including specifying that any part of section 39.1 or the regulations made under this subsection do not apply to such a recalculation or apply subject to specified modifications;

(n) governing the payment of fees in relation to recalculations under section 39.1, including prescribing fees and requiring their payment, setting out the time or manner of payment, and providing for exemptions from payment and setting out conditions or circumstances for any exemption.

Same

(8) Regulations made under clause (7) (c) may require a person to provide personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, respecting the child, a parent of the child, or any other person whose personal information is relevant to the recalculation of child support under section 39.1 of this Act.

Family Statute Law Amendment Act, 2009

11. (1) Subsection 32 (2) of the Family Statute Law Amendment Act, 2009 is repealed.

(2) Section 33 of the Act is repealed.

(3) Subsection 40 (2) of the Act is repealed.

Commencement

12. (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(2) Sections 8, 9 and 11 come into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Schedule 10

Family Responsibility and Support Arrears Enforcement Act, 1996

1. (1) The definition of "support order" in subsection 1 (1) of the Family Responsibility and Support Arrears Enforcement Act, 1996 is amended by striking out the portion after clause (g) and substituting the following:

and includes such a provision in,

(h) a domestic contract that is enforceable under section 35 of the Family Law Act, or

(i) a notice of calculation that is enforceable under section 39 of the Family Law Act. ("ordonnance alimentaire")

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

Same — recalculated child support

(4) A reference in this Act to a support order that is changed includes reference to a support order that is subject to a recalculation under section 39.1 of the Family Law Act.

2. Subsection 4 (1) of the Act is amended by striking out "The Attorney General" at the beginning and substituting "The Minister responsible for the administration of this Act".

3. (1) Section 9 of the Act is amended by adding the following subsection:

Application to notices of calculation

(2.1) The wording required by subsection (1) to be included in every support order made by an Ontario court shall be included in every support order that is a notice of calculation.

(2) Subsection 9 (3) of the Act is amended by striking out "(1) or (2)" and substituting "(1), (2) or (2.1)".

4. Section 10 of the Act is amended by adding the following subsection:

Same

(6) A notice of recalculation under section 39.1 of the Family Law Act does not require a support deduction order reflecting the recalculation.

5. The Act is amended by adding the following section:

Filing notices of calculation

12.1 On giving notice of a calculation under section 39 of the Family Law Act, the child support calculation service, as defined in that section, shall file a copy of the notice with the Director's office.

6. The Act is amended by adding the following section:

Filing notices of recalculation

12.2 On giving notice of a recalculation under section 39.1 of the Family Law Act that relates to a support order that is being enforced by the Director, the child support recalculation service, as defined in that section, shall file a copy of the notice with the Director's office.

7. (1) Section 15 of the Act is amended by adding "12.1" after "12".

(2) Section 15 of the Act is amended by adding "12.2" before "13".

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

Notice of recalculation

(7.3) In the case of a support order that was subject to a recalculation under section 39.1 of the Family Law Act after the support order or support deduction order was withdrawn, the notice of recalculation shall also be filed.

9. (1) Clause 21 (1) (a) of the Act is amended by striking out "the recipient" at the beginning and substituting "the payor or the recipient".

(2) Subsection 21 (2) of the Act is amended by striking out "the payor" and substituting "the other party".

(3) Section 21 of the Act is amended by adding the following subsection:

Exception

(2.1) Subsection (2) does not apply in the case of a support order that is a notice of calculation.

(4) Subsection 21 (3) of the Act is amended by striking out "on the payor" in the portion before clause (a).

(5) Clause 21 (3) (c) of the Act is amended by striking out "or paternity agreement".

(6) Section 21 of the Act is amended by adding the following subsection:

Same, notice of calculation

(3.1) If the support order is a notice of calculation, the support deduction order shall be deemed to have been made by the Ontario Court of Justice or the Family Court.

(7) Subsection 21 (4) of the Act is amended by striking out "within 30 days after being served with the notice under subsection (2)".

(8) Clause 21 (8) (b) of the Act is amended by striking out "or paternity agreements".

(9) Subsection 21 (8) of the Act is amended by adding the following clause:

(b.1) notices of calculation that are enforceable under section 39 of the Family Law Act;

10. Subsection 35 (7) of the Act is amended by adding "together with the notice of motion" at the end of the portion before clause (a).

11. (1) Clause 41 (10) (a) of the Act is amended by striking out "by such periodic payments" and substituting "by such periodic or lump sum payments".

(2) Subsection 41 (11) of the Act is amended by striking out "nor does it affect" and substituting "nor does it limit or otherwise affect".

12. (1) The definition of "Corporation" in subsection 46 (1) of the Act is amended by striking out "Ontario Lottery Corporation" at the end and substituting "Ontario Lottery and Gaming Corporation".

(2) The definition of "lottery" in subsection 46 (1) of the Act is amended by striking out "the Ontario Lottery Corporation Act" and substituting "the Ontario Lottery and Gaming Corporation Act, 1999".

13. Subsection 55 (1) of the Act is amended by striking out "The Attorney General" at the beginning and substituting "The Minister responsible for the administration of this Act".

Commencement

14. (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(2) Section 2, subsections 9 (1), (2), (4), (5), (7) and (8), and sections 10, 11, 12 and 13 come into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 11

gasoline tax ACT

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

Tax on aviation fuel

(2) Every purchaser of aviation fuel shall pay to the Minister a tax at the following rate:

1. 2.7 cents per litre on all aviation fuel purchased by, or delivered to, the purchaser after December 31, 1991 and before September 1, 2014.

2. 3.7 cents per litre on all aviation fuel purchased by, or delivered to, the purchaser after August 31, 2014 and before April 1, 2015.

3. 4.7 cents per litre on all aviation fuel purchased by, or delivered to, the purchaser after March 31, 2015 and before April 1, 2016.

4. 5.7 cents per litre on all aviation fuel purchased by, or delivered to, the purchaser after March 31, 2016 and before April 1, 2017.

5. 6.7 cents per litre on all aviation fuel purchased by, or delivered to, the purchaser after March 31, 2017.

2. Section 16 of the Act is amended by adding the following subsections:

Inventory report

(1.1) The Minister may, for any purpose related to the administration or enforcement of this Act and the regulations, require a retailer, wholesaler, importer or collector to complete an inventory report showing all gasoline, aviation fuel and propane that the retailer, wholesaler, importer or collector owns or has in its possession on one or more specified dates.

Same

(1.2) The inventory report shall contain such other information that the Minister may require and the report shall be given to the Minister within the period of time specified by the Minister.

3. Subsection 33 (2) of the Act is amended by adding the following clauses:

(h.1) respecting any matter the Minister considers necessary or advisable relating to an inventory report under subsection 16 (1.1);

(i) providing for transitional matters which, in the Minister's opinion, are necessary or desirable to facilitate the implementation of the tax rate increases set out in subsection 2 (2), as re-enacted by Schedule 11 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014.

Commencement

4. This Schedule comes into force on September 1, 2014 or, if the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent after that date, this Schedule is deemed to have come into force on that date.

schedule 12

housing development ACT

1. Section 11 of the Housing Development Act is amended by striking out "except section 14".

2. Section 14 of the Act is repealed.

Commencement

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

schedule 13

income tax act

1. (1) Subsection 8.5 (22) of the *Income Tax Act* is amended by striking out "Despite any other provision of this section, the Provincial Minister" at the beginning and substituting "Despite any provision of this section other than subsections (35) and (36), the Provincial Minister".

(2) Section 8.5 of the Act is amended by adding the following subsections:

Application deadline

(35) Despite any other provision in this Act, the Provincial Minister shall not make a payment to an individual under this section and no individual is entitled to receive a payment under this section if the application referred to in clause (4) (c) is not filed before January 1, 2016.

Entitlement deadline

(36) Despite any other provision in this Act, the Provincial Minister shall not make a payment to an individual under this section after December 31, 2016 and no individual is entitled to receive a payment under this section after that date unless the individual's entitlement to the payment arose by reason of an objection to a determination made by the Provincial Minister under this section.

Regulations

(37) The Provincial Minister may make regulations for the purposes of subsection (35) or (36) prescribing a date that is later than a date set out in those subsections.

Effect of regulation

(38) If the Provincial Minister prescribes a later date under subsection (37), the prescribed date applies for the purposes of subsection (35) or (36) instead of the date it replaces.

Commencement

2. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 14

insurance act

1. The Insurance Act is amended by adding the following section:

Necessity for licence, long-term disability benefits

115.1 (1) Except as provided in the regulations, no person shall provide long-term disability benefits in Ontario unless the benefits are payable under a contract of insurance undertaken by a licensed insurer.

Exception

(2) Subsection (1) does not apply in respect of any benefit provided under a registered pension plan within the meaning of subsection 248 (1) of the Income Tax Act (Canada).

Definition

(3) In this section,

“long-term disability benefits” means benefits under a benefit plan under which payments or benefits are payable to an individual for a period of not less than 52 weeks or until recovery, retirement or death, whichever period is shorter.

2. Subsection 121 (1) of the Act is amended by adding the following paragraphs:

8.1 exempting any person or class of persons from section 115.1 subject to such terms and conditions, including any limitations or restrictions, as may be set out in the regulations;

8.2 governing transitional matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of section 115.1;

3. Subsection 189.1 (1) of the Act is amended by,

(a) striking out in the English version “bodily injury or sickness” and substituting “bodily injury or disease”; and

(b) striking out “an accident or sickness” and substituting “bodily injury or disease”.

4. The French version of paragraph 1 of subsection 288.1 (1) of the Act is amended by striking out “prescrits” and substituting “qui sont prescrits”.

5. Clause 291 (2) (a) of the Act is amended by striking out “292, 293” and substituting “292, 292.1, 293”.

6. Section 327 of the Act is amended by striking out “unless the effect of that provision” and substituting “unless this Part provides otherwise or the effect of that provision”.

7. The English version of section 449 of the Act is amended by striking out “the earlier of”.

Commencement

8. (1) Subject to subsections (2), (3) and (4), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(2) Section 3 comes into force on the day section 21 of Schedule 23 to the Strong Action for Ontario Act (Budget Measures), 2012 comes into force.

Same

(3) Section 5 comes into force on the day section 35 of Schedule 23 to the Strong Action for Ontario Act (Budget Measures), 2012 comes into force.

Same

(4) Sections 4, 6 and 7 come into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 15

interim appropriation for 2014-2015 act, 2014

Interpretation

1. (1) Expressions used in this Act have the same meaning as in the Financial Administration Act unless the context requires otherwise.

Same

(2) In this Act, a reference to the estimates and supplementary estimates for 2014-15 means the estimates and supplementary estimates for the fiscal year ending on March 31, 2015 as tabled in the Assembly on or before March 31, 2015.

Expenses of the public service

2. (1) For the fiscal year ending on March 31, 2015, amounts not exceeding a total of \$87,337,267,500 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

Applied in accordance with estimates and supplementary estimates

(2) The amounts referred to in subsection (1) must be applied in accordance with the votes and items set out in the estimates and supplementary estimates for 2014-15.

Investments of the public service

3. (1) For the fiscal year ending on March 31, 2015, amounts not exceeding a total of \$2,347,694,000 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

Applied in accordance with estimates and supplementary estimates

(2) The amounts referred to in subsection (1) must be applied in accordance with the votes and items set out in the estimates and supplementary estimates for 2014-15.

Expenses of the Legislative Offices

4. For the fiscal year ending on March 31, 2015, amounts not exceeding a total of \$135,323,900 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for and the money shall be applied in accordance with the votes and items set out in the estimates and supplementary estimates for 2014-15.

Expenditures of the public service

5. An expenditure of the public service in the votes and items set out in the estimates and supplementary estimates for 2014-15 may be incurred or recognized by the Crown through any ministry to which, during the fiscal year ending on March 31, 2015, responsibility has been given for the program or activity that includes that expenditure.

Commencement

6. The Act set out in this Schedule is deemed to have come into force on April 1, 2014.

Short title

7. The short title of the Act set out in this Schedule is the Interim Appropriation for 2014-2015 Act, 2014.

schedule 16

land transfer tax act

1. The Land Transfer Tax Act is amended by adding the following section:

General anti-avoidance rule

Definitions

12.1 (1) In this section,

“tax benefit” means a reduction, an avoidance, a deferral or a cancellation of tax or other amount payable under this Act or an increase in a refund or rebate of tax or other amount under this Act; (“avantage fiscal”)

“tax consequences” to a person means the amount of tax, rebate or other amount payable by, or refundable to, the person under this Act, or any other amount that is relevant to the purposes of computing that amount; (“attribut fiscal”)

“transaction” includes an arrangement or event. (“opération”)

Application of section

(2) This section applies to the following transactions:

1. A transaction completed after May 1, 2014, including a transaction that is part of a series of transactions that includes one or more transactions completed on or before May 1, 2014.
2. A transaction completed on or before May 1, 2014, if the transaction is part of a series of transactions that includes one or more transactions completed after May 1, 2014.

General anti-avoidance rule

(3) If a transaction is an avoidance transaction, the tax consequences to a person shall be determined as is reasonable in the circumstances in order to deny a tax benefit that, but for this section, would result, directly or indirectly, from that transaction or from a series of transactions that includes that transaction.

Avoidance transaction

(4) An avoidance transaction means any transaction,

- (a) that, but for this section, would result, directly or indirectly, in a tax benefit, unless the transaction may reasonably be considered to have been undertaken or arranged primarily for bona fide purposes other than to obtain the tax benefit; or
- (b) that is part of a series of transactions, which series, but for this section, would result, directly or indirectly, in a tax benefit, unless the transaction may reasonably be considered to have been undertaken or arranged primarily for bona fide purposes other than to obtain the tax benefit.

Provision not applicable

(5) Subsection (3) does not apply in respect of a transaction where it may reasonably be considered that the transaction would not result, directly or indirectly, in a misuse of the provisions of this Act or the regulations or in an abuse having regard to the provisions of this Act or the regulations, other than this section, read as a whole.

Determination of tax consequences

(6) Without restricting the generality of subsection (3), in any determination under subsection (3) of the tax consequences of a transaction to a person,

- (a) any exemption, refund or rebate may be allowed or disallowed, in whole or in part;
- (b) any such exemption, refund, rebate or a part thereof may be allocated to any person;
- (c) the value of the consideration may be determined and may be apportioned among parts of the land or lands being conveyed;
- (d) the proportional share of the acquisition of or increase in an interest of any kind in land of any person may be determined;
- (e) any tax payable under section 3 that is deferred or no longer owing may be deemed to be owing as of the thirtieth day after the date of the disposition of a beneficial interest in land;

- (f) the nature of any transaction, payment or other amount may be recharacterized; and
- (g) the tax effects that would otherwise result from the application of other provisions of this Act or the regulations may be ignored.

Request for adjustments

(7) If, with respect to a transaction, a notice of assessment, reassessment or additional assessment under section 12 involving the application of subsection (3) with respect to the transaction has been sent to a person, any person (other than a person to whom such a notice has been sent) is entitled, within 180 days after the day of sending of the notice, to request in writing that the Minister make an assessment, a reassessment or an additional assessment, applying subsection (3) with respect to that transaction.

Duties of Minister

(8) On receipt of a request by a person under subsection (7), the Minister shall consider the request and, despite subsection 12 (4), assess, reassess or make an additional assessment under section 12 with respect to the person, except that an assessment, a reassessment or an additional assessment may be made only to the extent that it may reasonably be regarded as relating to the transaction referred to in subsection (7).

Exception

(9) Despite any other provision of this Act, the tax consequences to any person following the application of this section shall only be determined through a notice of assessment, reassessment or additional assessment under section 12 involving the application of this section.

Series of transactions

(10) For the purposes of this section, where there is a reference to a series of transactions, the series shall be deemed to include any related transactions completed in contemplation of the series.

Commencement

2. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Schedule 17

legislative assembly act

1. Subsection 61 (1.2) of the Legislative Assembly Act is repealed and the following substituted:

Same, from April 1, 2014

(1.2) Despite subsections (1) and (1.1), but subject to subsection (1.3), the annual salary of every member of the Assembly for a fiscal year that begins on or after April 1, 2014 is an amount equal to the salary in effect on March 26, 2009.

Subsection (1.2) ceases to have effect

(1.3) Subsection (1.2) ceases to have effect as of April 1 of the second fiscal year immediately following a fiscal year for which the Consolidated Statement of Operations of the Province, as set out in the Public Accounts laid before the Assembly, shows that the Province's total revenues exceed or are equal to its total expenses.

Commencement

2. This Schedule is deemed to have come into force on April 1, 2014.

schedule 18

Lobbyists Registration Act, 1998

1. Clause (f) of the definition of "public office holder" in subsection 1 (1) of the Lobbyists Registration Act, 1998 is amended by adding "or" at the end of subclause (ii) and by repealing subclause (iii).

Commencement

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

schedule 19

long-Term care homes act, 2007

1. Subsection 102 (1) of the Long-Term Care Homes Act, 2007 is amended by striking out "25 years" and substituting "30 years".
2. The Act is amended by adding the following section:

Transition, licence term extension

193.1 (1) On the day this section comes into force, the term of a licence is extended by five years if,

- (a) the licence is not a temporary licence or a temporary emergency licence;
- (b) the licence was issued under section 99 or 100, or issued or reissued under section 105, or the licence is a replacement licence under subsection 187 (1);
- (c) the licence was issued or reissued before the day this section comes into force;
- (d) the licence is in effect on the day this section comes into force; and

(e) on the day this section comes into force, the only beds under the licence are,

- (i) class A beds as referred to in subsection 187 (18),
- (ii) beds that have been reviewed and approved by the Ministry as meeting,

(A) the criteria set out in the document entitled “Long-Term Care Facility Design Manual”, published by the Ministry of Health and Long-Term Care and dated May, 1999, and which is available from the Ministry of Health and Long-Term Care,

(B) the Retrofit option criteria set out in the Long-Term Care “D” Facility Retrofit Design Manual in section 5.2 of the document entitled “2002 “D” Bed Program”, published by the Ministry of Health and Long-Term Care and dated January, 2002, and which is available from the Ministry of Health and Long-Term Care, or

(C) the criteria set out in the document entitled “Long-Term Care Home Design Manual, 2009”, published by the Ministry of Health and Long-Term Care and dated 2009, and which is available from the Ministry of Health and Long-Term Care, or

- (iii) any combination of beds mentioned in subclauses (i) and (ii).

Director’s undertaking

(2) Despite subsection 100 (6), if the Director has given an undertaking before the day this section comes into force to issue a licence for a term of 25 years under section 100 or clause 103 (1) (b), the Director may amend the undertaking by extending the term of the licence by up to five years.

Public consultation

(3) If the Director has consulted the public under section 106 before or within 90 days after the day this section comes into force with respect to issuing, undertaking to issue or deciding to issue a licence that has a term of 25 years, the Director may issue, undertake to issue or decide to issue the licence, as the case may be, for a term of up to 30 years without consulting the public a second time.

Same

(4) If the Director has consulted the public under section 106 before or within 90 days after the day this section comes into force with respect to transferring a licence, or beds under a licence, whose term is extended by subsection (1), the Director may transfer the licence or beds, as the case may be, by issuing or reissuing a licence under subsection 105 (6) or (8) for up to the full remainder of the extended term without consulting the public a second time.

Same

(5) If the Director has consulted the public under section 106 before or within 90 days after the day this section comes into force with respect to amending a licence whose term is extended by subsection (1), the Director may amend the licence without consulting the public a second time.

Commencement

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

schedule 20

Ministry of Energy Act, 2011

1. Clause 7 (1) (a) of the Ministry of Energy Act, 2011 is amended by striking out “both short-term and long-term goals” and substituting “short term, medium term and long term goals”.

Commencement

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

schedule 21

Ministry of Municipal Affairs and Housing ACT

1. Subsection 8 (2) of the Ministry of Municipal Affairs and Housing Act is repealed.

Commencement

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

Schedule 22

Ministry of Revenue Act

1. The Ministry of Revenue Act is amended by adding the following section:

Child support calculation service under the Family Law Act

11.2 The Minister may enter into a memorandum of understanding with the Minister responsible for the administration of the Family Law Act to establish and administer a service to calculate child support under section 39 of that Act.

2. The Act is amended by adding the following section:

Child support recalculation service under the Family Law Act

11.3 The Minister may enter into a memorandum of understanding with the Minister responsible for the administration of the Family Law Act to establish and administer a service to recalculate child support under section 39.1 of that Act.

3. (1) Section 12 of the Act is amended by adding the following subsection:

Same

(1.1) On behalf of the Government of Ontario, the Minister, together with the Minister of Finance, may enter into an agreement with the Canada Revenue Agency providing for the disclosure of information to, and the collection of information by, the Minister for purposes of section 11.2.

(2) Section 12 of the Act is amended by adding the following subsection:

Same

(1.2) On behalf of the Government of Ontario, the Minister, together with the Minister of Finance, may enter into an agreement with the Canada Revenue Agency providing for the disclosure of information to, and the collection of information by, the Minister for purposes of section 11.3.

(3) Subsection 12 (2) of the Act is amended by striking out “subsection (1)” and substituting “this section”.

Commencement

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

schedule 23

Ontario Energy Board Act, 1998

1. (1) Clause (d) of the definition of “enforceable provision” in section 3 of the Ontario Energy Board Act, 1998 is repealed and the following substituted:

(d) subsection 5 (3), (4), (5) or (6) or section 25.33, 25.36, 25.37, 26, 27, 28, 28.1, 29, 30.1, 31, 53.11, 53.13, 53.15, 53.16 or 53.18 of the Electricity Act, 1998, or any other provision of that Act that is prescribed by the regulations,

(2) The definition of “OPA” in section 3 of the Act is repealed.

2. (1) Clause 4.3.1 (3) (e) of the Act is repealed.

(2) Clause 4.3.1 (3) (g) of the Act is amended by striking out “clause (a), (b), (c), (e) or (f)” and substituting “clause (a), (b), (c) or (f)”.

3. (1) Subsection 27.2 (3) of the Act is amended by striking out “the OPA” and substituting “the IESO”.

(2) Subsection 27.2 (5) of the Act is repealed and the following substituted:

Directives, contracting with the IESO

(5) A directive may require the Board to specify, as a condition of a licence, that a distributor meet, at its discretion, any portion of its conservation target by contracting with the IESO to meet the target through province-wide programs offered by the IESO.

4. Section 57 of the Act is amended by striking out “the OPA” in the portion before clause (a) and substituting “the IESO”.

5. Subsections 70 (7) and (8) of the Act are repealed and the following substituted:

Requirement to provide information

(7) Every licence, other than a licence issued to the IESO, is deemed to contain a condition that the licensee is required to provide such reasonable information to the IESO as the IESO may require, in the manner and form specified by the IESO.

6. (1) Subsection 78 (3.0.4) of the Act is amended by striking out “the OPA” and substituting “the IESO”.

(2) Clause 78 (3.3) (b) of the Act is amended by striking out “the OPA’s variance accounts” and substituting “the IESO’s variance accounts”.

7. Subsections 78.1 (1), (2) and (3) of the Act are repealed and the following substituted:

Payments to prescribed generator

(1) The IESO shall make payments to a generator prescribed by the regulations with respect to output that is generated by a unit at a generation facility prescribed by the regulations.

Payment amount

(2) Each payment referred to in subsection (1) shall be the amount determined in accordance with the order of the Board then in effect.

8. Subsection 78.2 (3) of the Act is repealed.

9. Sections 78.3 and 78.4 of the Act are repealed.

10. (1) Subsection 78.5 (1) of the Act is repealed and the following substituted:

Payments to distributors under conservation and demand management programs

(1) The IESO shall make payments to a distributor with respect to amounts approved by the Board for conservation and demand management programs approved by the Board pursuant to a directive issued under section 27.2.

(2) Subsection 78.5 (4) of the Act is repealed.

11. Section 78.6 of the Act is amended by striking out “sections 78.1 to 78.5” and substituting “sections 78.1, 78.2 and 78.5”.

12. (1) Subclause 88 (1) (g.7) (ii) of the Act is amended by striking out “the OPA” at the end and substituting “the IESO”.

(2) Clauses 88 (1) (i.4) and (i.5) of the Act are repealed.

(3) Clauses 88 (1) (i.10) and (i.11) of the Act are repealed.

13. Section 88.0.1 of the Act is repealed.

14. Paragraphs 5 and 6 of subsection 107 (2) of the Act are repealed and the following substituted:

5. Adjustments, payments, set-offs and credits under section 25.33 of the Electricity Act, 1998 and under the regulations made under clause 114 (1.3) (f) of that Act.

6. Payments under sections 78.1, 78.2 and 78.5.

15. Clause 127 (1) (j.17) of the Act is repealed and the following substituted:

(j.17) prescribing provisions of the Electricity Act, 1998 for the purpose of clause (d) of the definition of "enforceable provision" in section 3;

Commencement

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

schedule 24

ontario loan act, 2014

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 \$19.5 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, 2016.

Same

(2) The Crown shall not borrow money after December 31, 2017 under the authority of an order in council that authorizes borrowing under this Act unless, on or before December 31, 2017,

(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 Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Short title

4. The short title of the Act set out in this Schedule is the Ontario Loan Act, 2014.

schedule 25

ontario mortgage and housing CORPORATION ACT

1. Section 5.1 of the Ontario Mortgage and Housing Corporation Act is amended by striking out "Subject to section 10.2" at the beginning.

2. (1) Subsection 6 (3) of the Act is repealed and the following substituted:

No power to create a subsidiary

(3) The Corporation does not have the power to create a subsidiary.

(2) Subsection 6 (4) of the Act is repealed and the following substituted:

Power to acquire property

(4) The Corporation may acquire and hold real property and dispose of such property only in the ordinary course of its business.

3. Section 6.1 of the Act is repealed.

4. The Act is amended by adding the following section:

Transfers of mortgages to which the Crown is party

6.2.1 (1) All mortgages under the program described in subsection 6.2 (1) to which Her Majesty the Queen in right of Ontario as represented by the Minister is a party immediately before the commencement date and that are designated for the purposes of this subsection by an order under subsection (9) are hereby transferred to and vested in the Corporation.

Transfers of related agreements and instruments

(2) All agreements and instruments that are related to the mortgages transferred under subsection (1) are hereby transferred to and vested in the Corporation.

Same

(3) All mortgages, agreements and instruments transferred under subsections (1) and (2) have effect as if,

(a) the Corporation were substituted for Her Majesty the Queen in right of Ontario as represented by the Minister as a party to the mortgage, agreement or instrument; and

(b) any reference in the mortgage, agreement or instrument to Her Majesty the Queen in right of Ontario as represented by the Minister were a reference to the Corporation.

Operation of subss. (1), (2) and (3)

(4) The operation of subsections (1), (2) and (3) does not constitute a breach, termination or repudiation of the mortgages, agreements or instruments or the frustration of the agreements or an event of default or force majeure.

Transfer of money held in the Fund

(5) All money that is held in the Fund immediately before the commencement date is hereby transferred to and vested in the Corporation.

Use of money for housing purposes only

(6) The Corporation may use money transferred under subsection (5) and money received under mortgages transferred under subsection (1), including any interest earned on the money, only for housing purposes.

By-law governing use of money

(7) The power of the Corporation to use money under subsection (6) may only be exercised under the authority of and in accordance with a by-law of the Corporation that governs how money referred to in subsection (6) is to be used for housing purposes.

Same, by-law to be approved

(8) A by-law described in subsection (7) does not take effect until it is approved in writing by the Minister.

Minister's order

(9) The Minister may make an order designating mortgages for the purposes of subsection (1).

Same, retroactive effect

(10) For the purposes of this section, if an order under subsection (9) is made after the commencement date,

(a) the order is deemed to have been made on the commencement date; and

(b) the transfers made under subsections (1) and (2) as a result of the order are deemed to have been made on the commencement date.

Same, notice

(11) The Minister shall cause an order made under subsection (9) to be published in The Ontario Gazette.

Legislation from which transfers exempt

(12) Subject to any prescribed conditions and limitations, Acts or provisions of Acts and regulations or provisions of regulations that are prescribed for the purposes of this subsection do not apply to the transfers made under this section.

Definitions

(13) In this section,

“commencement date” means the day section 4 of Schedule 25 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force; (“date d’entrée en vigueur”)

“Fund” means the Affordable Home Ownership Revolving Loan Fund established under the program described in subsection 6.2 (1). (“Fonds”)

5. Subsection 6.3 (1) of the Act is amended by striking out “In sections 6.1, 6.2” at the beginning and substituting “In section 6.2”.

6. The Act is amended by adding the following section:

Co-ordination of financing activities

8.1 All borrowing, financing, short-term investment of funds and financial risk management activities of the Corporation shall be co-ordinated and arranged by the Ontario Financing Authority, unless the Minister of Finance approves otherwise.

7. Subsections 9 (3) and (4) of the Act are repealed.

8. The Act is amended by adding the following section:

Transition

9.1 Section 9, as it reads immediately before the day section 7 of Schedule 25 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force, continues to apply with respect to,

(a) any guaranty given by the Crown in right of Ontario under section 9 before the day section 7 of Schedule 25 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force; and

(b) any debenture, bill, note, charge or mortgage issued or made by the Corporation or temporary loan made to the Corporation, the payment of which was guaranteed by the Crown under section 9 before that day.

9. (1) Subsection 10.1 (1) of the Act is repealed and the following substituted:

Protection from personal liability

(1) No proceeding shall be commenced against any of the following persons for any act done in good faith in the exercise or performance or intended exercise or performance of the person's power or duty or for any alleged neglect or default in the exercise or performance in good faith of the person's power or duty:

1. A director or officer of the Corporation.
2. A person employed under Part III of the Public Service of Ontario Act, 2006 who provides services to the Corporation.
3. A servant or agent of the Corporation.

(2) Subsection 10.1 (2) of the Act is amended by striking out "or a subsidiary of the Corporation created under subsection 6 (3)".

10. Section 10.2 of the Act is repealed and the following substituted:

No proceeding against the Crown

10.2 (1) No proceeding shall be commenced against the Crown in right of Ontario as a result of any act, neglect or default of the Corporation or a person referred to in subsection 10.1 (1).

Exception

(2) Subsection (1) does not apply to a proceeding to enforce against the Crown in right of Ontario its obligations under a written contract to which it is a party.

Payment of judgments against the Corporation

10.2.1 The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgment against the Corporation that remains unpaid after the Corporation has made reasonable efforts, including liquidating assets, to pay the amount of the judgment.

11. Section 10.4 of the Act is amended by adding the following subsection:

Same

(2) The revenues of the Corporation shall be applied to carrying out its purposes.

12. Section 10.5 of the Act is repealed.

13. The Act is amended by adding the following sections:

Dissolution of Ontario Mortgage Corporation and transfer of assets, liabilities, etc.

13.1 (1) The Ontario Mortgage Corporation is hereby dissolved and all its assets, liabilities, rights and obligations are hereby transferred to and vested in the Ontario Mortgage and Housing Corporation.

Agreements, securities or instruments to which Ontario Mortgage Corporation is party

(2) An agreement, security or instrument, including a mortgage, to which the Ontario Mortgage Corporation is a party immediately before the day section 13 of Schedule 25 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force has effect as if,

(a) the Ontario Mortgage and Housing Corporation were substituted for the Ontario Mortgage Corporation as a party to the agreement, security or instrument; and

(b) any reference in the agreement, security or instrument to the Ontario Mortgage Corporation or its predecessor, Housing Corporation Limited, were a reference to the Ontario Mortgage and Housing Corporation.

Operation of subss. (1) and (2)

(3) The operation of subsections (1) and (2) does not constitute a breach, termination or repudiation of the agreement, security or instrument or the frustration of the agreement or an event of default or force majeure.

Protection from personal liability

(4) Subsection 10.1 (1) applies, with necessary modifications, to the following persons with respect to any act done in good faith in the exercise or performance or intended exercise or performance of the person's power or duty or with respect to any alleged neglect or default in the exercise or performance in good faith of the person's power or duty:

1. A former director or officer of the Ontario Mortgage Corporation.
2. A person employed under Part III of the Public Service of Ontario Act, 2006 who provided services to the Ontario Mortgage Corporation.
3. A former servant or agent of the Ontario Mortgage Corporation.

Corporation's liability

(5) Subsection (4) does not relieve the Ontario Mortgage and Housing Corporation of any liability transferred to it under subsection (1) in respect of a cause of action arising from any act, neglect or default referred to in subsection (4).

No proceeding against the Crown

(6) No proceeding shall be commenced against the Crown in right of Ontario as a result of any act, neglect or default of the Ontario Mortgage Corporation or a person referred to in subsection (4).

Exception

(7) Subsection (6) does not apply to a proceeding to enforce against the Crown in right of Ontario its obligations under a written contract to which it is a party.

Former directors and officers of Ontario Mortgage Corporation

(8) A person who is a director or officer of the Ontario Mortgage Corporation immediately before the day section 13 of Schedule 25 to the *Building Opportunity and Securing Our Future Act* (Budget Measures), 2014 comes into force, ceases to be a director or officer when that section comes into force.

Proceedings commenced by or against Ontario Mortgage Corporation

(9) If a proceeding has been commenced by or against the Ontario Mortgage Corporation before the day section 13 of Schedule 25 to the *Building Opportunity and Securing Our Future Act* (Budget Measures), 2014 comes into force and has not been finally determined before that day, the proceeding is deemed to have been commenced by or against the Ontario Mortgage and Housing Corporation and shall be continued by or against the Ontario Mortgage and Housing Corporation.

Legislation from which transfers exempt

(10) Subject to any prescribed conditions and limitations, Acts or provisions of Acts and regulations or provisions of regulations that are prescribed for the purposes of this subsection do not apply to the transfers made under this section.

Winding up the Corporation

13.2 (1) The Lieutenant Governor in Council may by order require the Board to wind up the affairs of the Corporation and may by order specify terms relating to the winding up of the Corporation.

Duty of Board

(2) The Board shall prepare a proposed plan for winding up the Corporation and transferring its assets, liabilities, rights and obligations and shall give the proposed plan to the Lieutenant Governor in Council.

Plan

(3) The plan for winding up the Corporation may provide for,

- (a) liquidating assets and transferring the proceeds to the Consolidated Revenue Fund or to an agency of the Crown in right of Ontario;
- (b) transferring assets, liabilities, rights and obligations to the Crown or to an agency of the Crown; and
- (c) any other matter relating to the winding up of the Corporation.

Same

(4) On the approval of the proposed plan by the Lieutenant Governor in Council, the Board shall wind up the affairs of the Corporation and transfer its assets, liabilities, rights and obligations, including transferring the proceeds from the liquidation of assets, in accordance with the plan.

Dissolution of Corporation

(5) When the winding up of the Corporation is complete, the Lieutenant Governor in Council may by order dissolve the Corporation as of the date specified in the order.

Non-application of Legislation Act, 2006, Part III

(6) Part III of the Legislation Act, 2006 does not apply to an order of the Lieutenant Governor in Council made under this section.

14. (1) Clause 14 (a) of the Act is repealed.

(2) Section 14 of the Act is amended by adding the following clause:

- (d) prescribing conditions and limitations and Acts or provisions of Acts or regulations or provisions of regulations for the purposes of subsection 6.2.1 (12) or 13.1 (10).

Commencement

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

schedule 26

pension benefits act

1. (1) Subsection 1 (1) of the Pension Benefits Act is amended by adding the following definition:

“public sector pension plan” means a pension plan described in subsection (5) and includes such other pension plans as may be prescribed; (“régime de retraite du secteur public”)

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

Public sector pension plans

(5) For the purposes of this Act, a pension plan is a public sector pension plan if it is provided in respect of any of the following employers:

- 1. The Crown in right of Ontario.
- 2. A Crown agency or a corporation, with or without share capital, that is not a Crown agency but is owned, operated or controlled by the Crown.
- 3. Any board, commission, authority or unincorporated body of the Crown.
- 4. A district school board as defined in subsection 1 (1) of the Education Act.
- 5. A person or entity that is a health service provider for the purposes of the Local Health System Integration Act, 2006.

6. A college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002.
7. A university in Ontario, including its affiliated and federated colleges, that receives operating grants from the Government of Ontario.
8. A municipality as defined in section 1 of the Municipal Act, 2001.
9. A children's aid society that is designated in accordance with the Child and Family Services Act.

2. (1) Subsection 14 (5) of the Act is amended by striking out "the transferred members who are entitled to make the election described in clause 80.1 (4) (a.1)" at the end and substituting "the eligible employees who are entitled to make the election described in clause 80.1 (4) (a) or (a.1)".

(2) Section 14 of the Act is amended by adding the following subsection:

Same, conversion of pension plan

(6) Subsection (1) does not apply with respect to an amendment that relates to a transfer of assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan.

(3) Section 14 of the Act is amended by adding the following subsection:

Same

(7) Subsection (1) does not apply with respect to an amendment that relates to the conversion under section 81.0.1 of a single employer pension plan into a jointly sponsored pension plan.

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

Same, conversion of pension plan

(6) This section does not apply with respect to an amendment that relates to a transfer of assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan.

(2) Section 26 of the Act, as re-enacted by the Statutes of Ontario, 2010, chapter 9, subsection 15 (1), is amended by adding the following subsection:

Same, conversion of pension plan

(6) This section does not apply with respect to an amendment that relates to a transfer of assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan.

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

Same

(7) Subsection (1) does not apply with respect to an amendment that relates to the conversion under section 81.0.1 of a single employer pension plan into a jointly sponsored pension plan.

(4) Section 26 of the Act, as re-enacted by the Statutes of Ontario, 2010, chapter 9, subsection 15 (1), is amended by adding the following subsection:

Same

(7) Subsection (1) does not apply with respect to an amendment that relates to the conversion under section 81.0.1 of a single employer pension plan into a jointly sponsored pension plan.

4. (1) Section 44 of the Act is amended by adding the following subsections:

Interpretation re "spouse"

(1.1) If, on the date that the payment of the first instalment of the pension is due, a retired member has a spouse described in clause (a) of the definition of "spouse" in subsection 1 (1) from whom the retired member is living separate and apart, that person is not a spouse for the purposes of subsection (1).

Same

(1.2) If, on the date that the payment of the first instalment of the pension is due, a retired member has a spouse described in clause (b) of the definition of "spouse" in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the retired member is living separate and apart, the spouse described in clause (b) of the definition is the spouse for the purposes of subsection (1).

(2) Subsection 44 (4) of the Act is repealed and the following substituted:

Application of subss. (1-3.1)

(4) Subsections (1) to (3.1) do not apply in respect of a pension benefit if payment of the pension commenced before January 1, 1988.

(3) Section 44 of the Act is amended by adding the following subsections:

Discharge

(10) An administrator who commenced payment of a pension under this section before the day on which subsection (1.2) comes into force is deemed to have been discharged on making the payment if all of the following circumstances exist:

1. On the date that the payment of the first instalment of the pension was due, the retired member had a spouse described in clause (b) of the definition of "spouse" in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the retired member was living separate and apart.

2. The spouse described in clause (b) of the definition of "spouse" in subsection 1 (1) was the retired member's spouse for the purposes of determining that the pension is a joint and survivor pension under subsection (1).

3. The pension benefit was paid or continues to be paid to the retired member or to the spouse described in clause (b) of the definition of "spouse" in subsection 1 (1).

4. The payment otherwise complied with the requirements under this Act and the regulations.

Claims

(11) If, before the day on which subsection (1.2) comes into force, an administrator made a payment of a pension as a joint and survivor pension and the circumstances set out in subsection (10) existed, no person has a claim against the administrator or against the recipient of the payment in respect of the payment.

5. (1) Subsection 48 (3) of the Act is repealed and the following substituted:

Interpretation re "spouse"

(3) If, on the date of death, a member, former member or retired member has a spouse described in clause (a) of the definition of "spouse" in subsection 1 (1) from whom the member, former member or retired member is living separate and apart, that spouse does not have an entitlement under subsection (1) or (2).

Same

(3.1) If, on the date of death, a member, former member or retired member has a spouse described in clause (b) of the definition of "spouse" in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the member, former member or retired member is living separate and apart, the spouse described in clause (b) of the definition has an entitlement under subsection (1) or (2).

Same, entitlement as beneficiary or personal representative

(3.2) Subsection (3) does not prevent a spouse from having an entitlement as a designated beneficiary under subsection (6) or as a personal representative under subsection (7).

Application

(3.3) For greater certainty, subsections (3), (3.1) and (3.2) apply if the member, former member or retired member dies on or after the day subsection 5 (1) of Schedule 26 to the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 comes into force.

(2) Subsections 48 (6) and (7) of the Act are repealed and the following substituted:

Designated beneficiary

(6) A member, former member or retired member described in subsection (1) may designate a beneficiary and the beneficiary is entitled to be paid an amount equal to the commuted value of the deferred pension or pension benefits mentioned in subsection (1) or (2) unless on the date of death the member, former member or retired member has a spouse who has an entitlement under subsection (1) or (2).

Estate entitlement

(7) The personal representative of a member, former member or retired member described in subsection (1) is entitled to receive payment of the commuted value mentioned in subsection (1) or (2) as the property of the member, former member or retired member unless,

- (a) on the date of death, the member, former member or retired member has a spouse who has an entitlement under subsection (1) or (2); or
- (b) the member, former member or retired member has designated a beneficiary who has an entitlement under subsection (6).

(3) Section 48 of the Act is amended by adding the following subsections:

Discharge, payments prior to October 31, 2012

(10.1) An administrator who made a payment under subsection (1) or (2) before October 31, 2012 is deemed to have been discharged on making the payment if all of the following circumstances exist:

1. On the date of death, the member, former member or retired member had a spouse described in clause (b) of the definition of "spouse" in subsection 1 (1) and a spouse described in clause (a) of that definition from whom the member, former member or retired member was living separate and apart.
2. The payment was made to the spouse described in clause (b) of the definition of "spouse" in subsection 1 (1).
3. The payment otherwise complied with the requirements under this Act and the regulations.

Claims

(10.2) If, before October 31, 2012, an administrator made a payment under subsection (1) or (2) and the circumstances set out in subsection (10.1) existed, no person has a claim against the administrator or against the recipient of the payment in respect of the payment.

6. (1) Section 57 of the Act is amended by adding the following subsection:

Jointly sponsored pension plans

(4.1) An employer who transfers assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan and who is required to make a payment under subsection 80.4 (18) for the benefit of transferred members and other transferees shall be deemed to hold in trust for the transferred members and other transferees an amount of money equal to any payment due under subsection 80.4 (18) that has not been paid into the pension fund of the jointly sponsored pension plan.

(2) Subsection 57 (5) of the Act is amended by striking out "under subsections (1), (3) and (4)" at the end and substituting "under this section".

(3) Subsection 57 (6) of the Act is amended by striking out “Subsections (1), (3) and (4) apply” at the beginning and substituting “Subsections (1), (3), (4) and (4.1) apply”.

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

Same

(4) This section does not apply with respect to a single employer pension plan that has transferred assets under section 80.4 to a jointly sponsored pension plan.

8. (1) Section 75.1 of the Act is amended by adding the following subsection:

Same re: transfer of assets

(1.1) If an employer has transferred assets under section 80.4 from a single employer pension plan to a jointly sponsored pension plan that is subsequently wound up, the employer shall, in prescribed circumstances, pay the prescribed amount into the pension fund of the jointly sponsored pension plan for the benefit of the transferred members and other transferees under section 80.4.

(2) Section 75.1 of the Act is amended by adding the following subsection:

Same re: conversion of single employer pension plan

(1.2) If an employer has converted a single employer pension plan under section 81.0.1 into a jointly sponsored pension plan that is subsequently wound up, the employer shall, in prescribed circumstances, pay the prescribed amount into the pension fund of the jointly sponsored pension plan for the benefit of the members, former members, retired members and other persons entitled to benefits under the plan.

(3) Subsection 75.1 (3) of the Act is amended by striking out “subsections (1) and (2)” and substituting “this section”.

(4) Section 75.1 of the Act is amended by adding the following subsection:

Same

(4) Any payments that may be required by subsections (1.1) and (1.2) are in addition to the payments required by subsection (1).

(5) Section 75.1 of the Act is amended by adding the following subsection:

Insufficient pension fund

(5) If the amount paid under subsection (1.1) and the money in the pension fund of the jointly sponsored pension plan, allocated in accordance with the regulations, is not sufficient to pay all the pension benefits and other benefits of the transferred members and other transferees under section 80.4, the pension benefits and other benefits shall be reduced in the prescribed manner on the wind up of the jointly sponsored pension plan.

(6) Section 75.1 of the Act is amended by adding the following subsection:

Same

(6) If the amount paid under subsection (1.2) and the money in the pension fund of the jointly sponsored pension plan, allocated in accordance with the regulations, is not sufficient to pay all the pension benefits and other benefits of the members, former members, retired members and other persons entitled to benefits under the plan, the pension benefits and other benefits shall be reduced in the prescribed manner on the wind up of the plan.

9. (1) Clause 79.1 (1) (a) of the Act is repealed and the following substituted:

(a) the transfer is authorized under section 21, 42, 80, 80.1, 80.2, 80.4 or 81; or

(2) Clause 79.1 (1) (a) of the Act, as amended by the Statutes of Ontario, 2010, chapter 9, subsection 65 (2), is repealed and the following substituted:

(a) the transfer is authorized under section 21, 42, 80, 80.2, 80.4 or 81; or

(3) Clause 79.1 (1) (a) of the Act, as amended by the Statutes of Ontario 2010, chapter 24, subsection 31 (1), is repealed and the following substituted:

(a) the transfer is authorized under section 21, 42, 80, 80.1, 80.2, 80.3, 80.4 or 81; or

(4) Clause 79.1 (1) (a) of the Act, as amended by the Statutes of Ontario, 2010, chapter 9, subsection 65 (2) and 2010, chapter 24, subsection 31 (1), is repealed and the following substituted:

(a) the transfer is authorized under section 21, 42, 80, 80.2, 80.3, 80.4 or 81; or

(5) Subsection 65 (2) of the Pension Benefits Amendment Act, 2010 (which amends clause 79.1 (1) (a) of the Act) is repealed.

(6) Subsection 31 (1) of the Securing Pension Benefits Now and for the Future Act, 2010 (which amends clause 79.1 (1) (a) of the Act) is repealed.

10. Section 79.2 of the Act is amended by adding the following subsection:

Same, transfers to jointly sponsored pension plan

(2.2) Subsections (3) to (5), (7) to (9) and (14) to (16) apply, with necessary modifications, with respect to a transfer of assets to which section 80.4 applies.

11. (1) Clause 80.1 (4) (b) of the Act is amended by striking out “transferred members” at the end and substituting “eligible employees who make the election described in clause (a) or (a.1)”.

(2) Subsection 80.1 (7) of the Act is repealed and the following substituted:

Same, benefits

(7) Neither clause (4) (b) nor subsection 79.2 (11) requires the successor pension plan to provide the same pension benefits and other benefits for the eligible employees who make the election described in clause (4) (a) or (a.1) that were provided for them under the original pension plan.

(3) Subsection 80.1 (10) of the Act is amended by striking out “July 1, 2015” and substituting “July 1, 2016”.

12. The Act is amended by adding the following section:

Transfers to jointly sponsored pension plan (conversion of single employer pension plan)

80.4 (1) This section applies with respect to pension plans that are public sector pension plans and with respect to prescribed pension plans or classes of pension plans.

Proposed conversion and transfer of assets

(2) This section applies if an employer proposes to convert a single employer pension plan that provides defined benefits into a jointly sponsored pension plan, and proposes to implement the conversion through a transfer of assets and liabilities from the single employer pension plan to another pension plan that is a jointly sponsored pension plan.

Requirements re: defined contribution benefits

(3) If the single employer pension plan provides defined contribution benefits as well as defined benefits, the transfer of assets is not authorized unless the employer complies with such requirements relating to the defined contribution benefits as may be prescribed.

Notice of proposal

(4) The administrator shall give the members, former members, retired members and other persons entitled to benefits under the single employer pension plan a notice about the proposed conversion of the pension plan and transfer of assets to the jointly sponsored pension plan, in accordance with such requirements as may be prescribed by regulation, and the notice must contain the following information and such other information as may be prescribed:

1. A statement that the employer and the members of a jointly sponsored pension plan are required to make contributions in respect of any going concern unfunded liability and solvency deficiency, if applicable, and that these contributions may be required in respect of benefits that accrued before the date of the transfer of assets.
2. A statement indicating that on the wind up of a jointly sponsored pension plan, the amount or commuted value of a pension benefit, a deferred pension or an ancillary benefit may be reduced.
3. A statement that pension benefits provided by jointly sponsored pension plans are not guaranteed by the Guarantee Fund.
4. If applicable, a statement that the jointly sponsored pension plan and its members are excluded from the operation of section 74 (grow-in benefits for members).

Same, to trade union

(5) The administrator shall give notice of the proposed conversion and transfer of assets to any trade union that represents members of the single employer pension plan, and the notice must be given within the prescribed period and must contain the information specified by the regulations.

Requirement re: consent of members, etc.

(6) The transfer of assets is not authorized unless the members, former members, retired members and other persons entitled to benefits under the single employer pension plan consent to the proposed conversion and transfer of assets, or are deemed in accordance with the regulations to have consented to the conversion and transfer.

Same

(7) The consent of the members, former members, retired members and other persons entitled to benefits under the single employer pension plan to the proposed conversion and transfer of assets must be obtained in accordance with such requirements as may be prescribed by regulation, and the regulations may permit a trade union that represents members of the pension plan to consent on their behalf.

Same

(8) The regulations may authorize the Superintendent to vary the prescribed requirements for determining whether consent is given or is deemed to have been given by the members of the single employer pension plan, and to vary the prescribed requirements for obtaining their consent.

Notice to Superintendent

(9) The administrator shall give notice of the proposed conversion and transfer of assets to the Superintendent and the notice must be given within the prescribed period and must contain the information specified by the regulations.

Requirement re: consent of Superintendent

(10) The transfer of assets is not authorized unless the Superintendent consents to it in advance.

Application for Superintendent's consent

(11) The employer may apply for the Superintendent's consent to the transfer of assets from the single employer pension plan to the jointly sponsored pension plan.

Notice of application

(12) The administrator shall ensure that notice of the application for the Superintendent's consent is given to members, former members, retired members and other persons entitled to benefits under the single employer pension plan, and to any trade union that represents members of the plan, in accordance with such requirements as may be prescribed.

Statutory criteria for Superintendent's consent

(13) The Superintendent shall consent to the transfer of assets in accordance with the application if all of the following criteria, and such other criteria as may be prescribed, are satisfied:

1. Notice of the application for the Superintendent's consent has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the single employer pension plan and to any trade union that represents members of the plan.
2. The employer of the single employer pension plan and the sponsors of the jointly sponsored pension plan have entered into an agreement with respect to the proposed transfer of assets.
3. Notice of the proposed conversion of the pension plan and transfer of assets has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, to any trade union that represents members of the plan and to the Superintendent.
4. Consent to the proposed conversion and transfer of assets has been given or is deemed to have been given, in accordance with this section, by the members, former members, retired members and other persons entitled to benefits under the plan.
5. As of the effective date of the transfer, the employer is a participating employer under the jointly sponsored pension plan.
6. As of the effective date of the transfer, the transferred members and other transferees cease to be entitled to benefits under the single employer pension plan and they are entitled to benefits under the jointly sponsored pension plan.
7. As of the effective date of the transfer, the commuted value of the pension benefits provided under the jointly sponsored pension plan for the transferred members is not less than the commuted value of their pension benefits under the single employer pension plan.
8. As of the effective date of the transfer, the pension benefits provided under the jointly sponsored pension plan for the other transferees are, at a minimum, the same as the pension benefits provided for them under the single employer pension plan.
9. As of the effective date of the transfer, every transferred member is entitled to credit in the jointly sponsored pension plan for the period of his or her membership in the single employer pension plan for the purpose of determining eligibility for membership in, or entitlement to benefits under, the jointly sponsored pension plan.

Amount of assets to be transferred

(14) The regulations may authorize the Superintendent, in prescribed circumstances, to vary the amount of assets otherwise required to be transferred from the single employer pension plan to the jointly sponsored pension plan.

Surplus

(15) If any assets remain in the single employer pension plan after the transfer of assets under this section, the amount of the remaining assets, excluding any assets that relate to defined contribution benefits, is deemed to be surplus under the single employer pension plan.

Exclusion from grow-in benefits

(16) If the jointly sponsored pension plan and its members are excluded from the operation of section 74 (grow-in benefits for members) on the effective date of the transfer of assets, the transferred members are excluded from the operation of section 74 as of that date.

Cancellation, etc., of special payments

(17) If, before the effective date of the transfer of assets, the employer is required to make special payments under the single employer pension plan in respect of a going concern unfunded liability or solvency deficiency, the regulations may specify circumstances in which the requirement to make special payments on or after the effective date of the transfer of assets is cancelled or the amount of the special payments is reduced, and the regulations may impose conditions relating to the cancellation or reduction.

Withdrawal as participating employer

(18) If, after the transfer of assets, the employer withdraws as a participating employer in the jointly sponsored pension plan, the employer shall, in the prescribed circumstances, pay the prescribed amount into the pension fund of the jointly sponsored pension plan for the benefit of the transferred members and other transferees.

Conflict

(19) This section prevails over any document that creates and supports the single employer pension plan or the jointly sponsored pension plan and over any collective agreement and it prevails despite any trust that may exist in favour of any person.

Crown immunity

(20) The following rules apply with respect to the transfer of assets from the single employer pension plan to the jointly sponsored pension plan, if the transfer complies with this Act and the regulations:

1. Any reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension that results from the transfer of assets is deemed not to constitute an expropriation.
2. No amount on account of damages, compensation or costs is owing or payable to any person and no remedy is available to any person against the Crown in connection with the transfer of assets. This rule does not apply with respect to an arbitration proceeding under section 77.12.
3. No action, claim or demand that is directly or indirectly related to the transfer of assets may be brought or maintained against the Crown. This rule does not apply with respect to an arbitration proceeding under section 77.12.

Expenses incurred by trade union

(21) If a trade union that represents members of the single employer pension plan is entitled to vote on the conversion and transfer of assets on behalf of the members, the trade union is entitled to be reimbursed from the pension fund its reasonable fees and expenses, of the type that are prescribed, relating to the vote.

Order to return contributions

(22) If the transfer of assets does not comply with this Act or the regulations, the Superintendent may, by order, require the administrator of the jointly sponsored pension plan to pay to a transferred member from the pension fund the amount by which the transferred member's contributions, made on or after the effective date of the transfer of assets, exceed the amount that would have been payable by him or her if the transfer had not been implemented, with interest calculated in the prescribed manner.

Enforcement

(23) Subject to section 89, an order under subsection (22), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court.

Definitions

(24) In this section,

“other transferees” means the individuals who are former members, retired members and other persons entitled to benefits under the single employer pension plan immediately before the effective date of the transfer of assets described in this section to the jointly sponsored pension plan; (“autres personnes transférées”)

“transferred members” means the individuals who are members of the single employer pension plan immediately before the effective date of the transfer of assets described in this section to the jointly sponsored pension plan. (“participants transférés”)

13. The Act is amended by adding the following section:

Conversion of Single Employer Pension Plans

Conversion by amending the pension plan

81.0.1 (1) This section applies with respect to single employer pension plans that are public sector pension plans and with respect to prescribed pension plans or classes of pension plans.

Proposed conversion

(2) This section applies if an employer proposes to convert a single employer pension plan that provides defined benefits into a jointly sponsored pension plan, and proposes to implement the conversion by amending the pension plan.

Restriction re: filing of amendments

(3) Amendments to the pension plan to convert it into a jointly sponsored pension plan cannot be filed under section 12 until the requirements of this section are satisfied.

Requirements re: defined contribution benefits

(4) If the single employer pension plan provides defined contribution benefits as well as defined benefits, the conversion of the pension plan is not authorized unless the employer complies with such requirements relating to the defined contribution benefits as may be prescribed.

Notice of proposed conversion

(5) The administrator shall give notice of the proposed conversion to the members, former members, retired members and other persons entitled to benefits under the plan, in accordance with such requirements as may be prescribed by regulation, and the notice must contain the following information and such other information as may be prescribed:

1. A statement that the employer and the members of a jointly sponsored pension plan are required to make contributions in respect of any going concern unfunded liability and solvency deficiency, if applicable, and that these contributions may be required in respect of benefits that accrued before the date of the conversion.
2. A statement indicating that on the wind up of a jointly sponsored pension plan, the amount or commuted value of a pension benefit, a deferred pension or an ancillary benefit may be reduced.
3. A statement that pension benefits provided by jointly sponsored pension plans are not guaranteed by the Guarantee Fund.

Same, for trade union

(6) The administrator shall give notice of the proposed conversion to any trade union that represents members of the pension plan, and the notice must be given within the prescribed period and must contain the information specified by the regulations.

Requirement re: consent of members, etc.

(7) The conversion of the pension plan is not authorized unless the members, former members, retired members and other persons entitled to benefits under the plan consent to the conversion, or are deemed in accordance with the regulations to have consented to the conversion.

Same

(8) The consent of the members, former members, retired members and other persons entitled to benefits under the pension plan to the proposed conversion of the plan must be obtained in accordance with such requirements as may be prescribed by regulation, and the regulations may permit a trade union that represents members of the pension plan to consent on their behalf.

Same

(9) The regulations may authorize the Superintendent to vary the prescribed requirements for determining whether consent is given or is deemed to have been given by the members of the pension plan, and to vary the prescribed requirements for obtaining their consent.

Notice to Superintendent

(10) The administrator shall give notice of the proposed conversion to the Superintendent and the notice must be given within the prescribed period and must contain the information specified by the regulations.

Requirement re: consent of Superintendent

(11) The conversion of the pension plan is not authorized unless the Superintendent consents to it in advance.

Application for consent

(12) The employer may apply for the Superintendent's consent to the proposed conversion of the pension plan.

Notice of application

(13) The administrator shall ensure that notice of the application for the Superintendent's consent is given to members, former members, retired members and other persons entitled to benefits under the plan, and to any trade union that represents members of the plan, in accordance with such requirements as may be prescribed.

Statutory criteria for Superintendent's consent

(14) The Superintendent shall consent to the conversion of the pension plan in accordance with the application if all of the following criteria and such other criteria as may be prescribed are satisfied:

1. Notice of the application for the Superintendent's consent has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, and to any trade union that represents members of the plan.
2. Notice of the proposed conversion has been given in accordance with this section to the members, former members, retired members and other persons entitled to benefits under the plan, to any trade union that represents members of the plan and to the Superintendent.
3. Consent to the proposed conversion has been given or is deemed to have been given, in accordance with this section, by the members, former members, retired members and other persons entitled to benefits under the plan.
4. The effective date of the conversion has been determined in accordance with the regulations.
5. As of the effective date of the conversion, the commuted value of the pension benefits provided for the members is not less than the commuted value of their pension benefits under the single employer pension plan.
6. As of the effective date of the conversion, the pension benefits provided for former members, retired members and other persons entitled to benefits under the plan are, at a minimum, the same as their pension benefits under the single employer pension plan.
7. If the plan has a going concern unfunded liability or solvency deficiency as of the effective date of the conversion, the employer is required to make contributions in accordance with the regulations to liquidate the liability or deficiency.

Conflict

(15) This section prevails over any document that creates and supports the pension plan and over any collective agreement and it prevails despite any trust that may exist in favour of any person.

Crown immunity

(16) The following rules apply with respect to the conversion of the pension plan, if the conversion complies with this Act and the regulations:

1. Any reduction in the amount or the commuted value of a pension benefit, an ancillary benefit, a pension or a deferred pension that results from the conversion is deemed not to constitute an expropriation.
2. No amount on account of damages, compensation or costs is owing or payable to any person and no remedy is available to any person against the Crown in connection with the conversion.
3. No action, claim or demand that is directly or indirectly related to the conversion may be brought or maintained against the Crown.

Expenses incurred by trade union

(17) If a trade union that represents members of the pension plan is entitled to vote on the conversion on behalf of the members, the trade union is entitled to be reimbursed from the pension fund its reasonable fees and expenses, of the type that are prescribed, relating to the vote.

Order to return contributions

(18) If the conversion of the pension plan does not comply with this Act or the regulations, the Superintendent may, by order, require the administrator to pay to a member of the pension plan from the pension fund the amount by which the member's contributions, made on or after the effective date of the conversion, exceed the amount that would have been payable by him or her if the conversion had not been implemented, with interest calculated in the prescribed manner.

Enforcement

(19) Subject to section 89, an order under subsection (18), exclusive of the reasons therefor, may be filed in the Superior Court of Justice and is thereupon enforceable as an order of that court.

Pension Benefits Amendment Act, 2010

14. Subsection 80 (4) of the Pension Benefits Amendment Act, 2010 is amended by striking out "July 1, 2015" at the end and substituting "July 1, 2016".

Commencement

15. (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Same

(2) Subsection 2 (1) and sections 4, 5, 11 and 14 come into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 27

Prepaid Hospital and Medical Services Act

1. Section 14.1 of the Prepaid Hospital and Medical Services Act is amended by striking out “under sections 29, 30, 31, 443 and 444 of the Insurance Act” at the end and substituting “under sections 442.1, 442.2, 442.3, 443 and 444 of the Insurance Act”.

Commencement

2. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 28

securities act

1. (1) The definition of “distribution contract” in subsection 1 (1) of the Securities Act is repealed and the following substituted:

“distribution contract” means a contract between an investment fund or its trustees or other legal representative and a person or company under which that person or company is granted the right to purchase the shares or units of the investment fund for distribution or to distribute the shares or units of the investment fund on behalf of the investment fund; (“contrat de placement”)

(2) The definition of “management contract” in subsection 1 (1) of the Act is amended by striking out “a mutual fund” and substituting “an investment fund”.

(3) Clauses (b), (c) and (d) of the definition of “market participant” in subsection 1 (1) of the Act are repealed and the following substituted:

(b) a person or company exempted from the requirement to be registered under this Act,

(c) a reporting issuer,

(c.1) a person or company that has issued securities to a registrant or through a registrant acting as agent,

(c.2) a director, officer or promoter of a person or company described in clause (c) or (c.1),

(d) a manager or custodian of assets, shares or units of an investment fund,

(4) The definition of “market participant” in subsection 1 (1) of the Act is amended by adding the following clause:

(i.1) a person or company that is exempt from the requirement under section 21, 21.1, 21.2 or 21.2.1 to be recognized by the Commission,

(5) Clause (l) of the definition of “market participant” in subsection 1 (1) of the Act is amended by striking out “a reporting issuer” and substituting “an issuer”.

(6) Clause (m) of the definition of “market participant” in subsection 1 (1) of the Act is amended by striking out “a reporting issuer” and substituting “an issuer”.

(7) The definition of “market participant” in subsection 1 (1) of the Act is amended by adding the following clause:

(o.1) the MFDA Investor Protection Corporation,

2. Section 20 of the Act is repealed and the following substituted:

Compliance reviews

20. (1) The Commission may designate in writing one or more persons to review the books, records and documents of a market participant for the purpose of determining whether Ontario securities law is being complied with.

Same, exemption from prospectus requirement

(2) The Commission may designate in writing one or more persons to review the books, records and documents of an issuer that has distributed securities in reliance on an exemption from the prospectus requirement for the purpose of determining whether the issuer has complied with the requirements, conditions and restrictions of the exemption relied on for the distribution.

Same, derivatives

(3) The Commission may designate in writing one or more persons for the purpose of reviewing the books, records and documents that are required to be kept by a person or company under the regulations with respect to derivatives.

Powers of compliance reviewer

(4) A person conducting a compliance review may, on production of his or her designation, do the following:

1. In respect of a compliance review under subsection (1) or (2),

i. enter the business premises of any market participant or issuer referred to in subsection (2) during business hours, and

ii. inquire into and examine the books, records and documents of the market participant or issuer, and make copies of the books, records and documents.

2. In respect of a compliance review under subsection (3),

- i. enter the business premises of any person or company during business hours, and
- ii. inquire into and examine the books, records and documents of the person or company that are required to be kept under the regulations with respect to derivatives, and make copies of the books, records and documents.

Fees

(5) A person or company in respect of which a compliance review is conducted under this section shall pay the Commission such fees as may be prescribed by the regulations.

3. (1) Section 20.1 of the Act is amended by adding the following subsection:

Same, issuer other than reporting issuer or mutual fund in Ontario

(1.1) The Commission or any member, employee or agent of the Commission may conduct a review of an issuer other than a reporting issuer or mutual fund in Ontario for the purpose of determining whether disclosure requirements under Ontario securities law applicable to the issuer are being complied with, on a basis to be determined at the discretion of the Commission or the Director.

- (2) Subsection 20.1 (2) of the Act is repealed and the following substituted:

Information and documents

(2) An issuer that is subject to a review under this section shall, at such time or times as the Commission or Director may require, deliver to the Commission or Director any information and documents relevant to the review.

- (3) Subsection 20.1 (4) of the Act is repealed and the following substituted:

Prohibition on certain representations

(4) An issuer, or any person or company acting on behalf of an issuer, shall not make any representation, written or oral, that the Commission has in any way passed upon the merits of the disclosure record of the issuer.

4. (1) Section 71 of the Act is amended by adding the following subsections:

Exchange traded funds

(1.2) Subsection (1) does not apply in respect of a distribution of a prescribed investment fund security trading on an exchange or an alternative trading system.

Obligation to deliver prospectus

(1.3) A dealer acting as agent of the purchaser who receives an order from the purchaser for a purchase of a prescribed investment fund security trading on an exchange or an alternative trading system shall send or deliver to the purchaser a prescribed disclosure document in accordance with the regulations.

- (2) Section 71 of the Act is amended by adding the following subsection:

Same, exchange traded funds

(2.1) A purchase referred to in subsection (1.3) is not binding on the purchaser in the circumstances prescribed by the regulations.

(3) Subsection 71 (4) of the Act is amended by striking out “subsection (1.1)” and substituting “subsection (1.1) or (1.3)”.

(4) Subsection 71 (7) of the Act is amended by striking out “this section, a dealer” and substituting “this section, except subsection (1.3), a dealer”.

5. Section 106 of the Act is repealed and the following substituted:

Definitions

106. (1) In this Part,

“investment fund” means, except in sections 111, 112, 116 and 121.1, an investment fund that is a reporting issuer; (“fonds d’investissement”)

“mutual fund” means a mutual fund that is a reporting issuer; (“fonds mutuel”)

“related investment funds” includes more than one investment fund under common management; (“fonds d’investissement liés”)

“related person or company”, in relation to an investment fund, means a person in whom, or a company in which, the investment fund, its management company and its distribution company are prohibited by the provisions of this Part from making any investment. (“personne ou compagnie liée”)

Same

(2) For the purpose of this Part,

(a) any issuer in which an investment fund holds in excess of 10 per cent of the voting securities or in which the investment fund and related investment funds hold in excess of 20 per cent of the voting securities shall be deemed to be a related person or company of that investment fund or of each of those investment funds; and

(b) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a security shall be deemed to be a change in the beneficial ownership of the security to which such put, call or other transferable option relates.

6. The definition of “investment” in subsection 110 (1) of the Act is amended by striking out “by a mutual fund” and substituting “by an investment fund” and by striking out “of the mutual fund” and substituting “of the investment fund”.

7. Section 111 of the Act is repealed and the following substituted:

Loans of investment funds

111. (1) No investment fund shall knowingly make an investment by way of loan to,

(a) any officer or director of the investment fund, its management company or distribution company or an associate of any of them;

(b) any individual, where the individual or an associate of the individual is a substantial security holder of the investment fund, its management company or distribution company.

Investments of investment funds, etc.

(2) No investment fund shall knowingly make an investment,

(a) in any person or company who is a substantial security holder of the investment fund, its management company or its distribution company;

(b) in any person or company in which the investment fund, alone or together with one or more related investment funds, is a substantial security holder; or

(c) in an issuer in which any of the following has a significant interest:

(i) any officer or director of the investment fund, its management company or distribution company or an associate of any of them; or

(ii) any person or company who is a substantial security holder of the investment fund, its management company or its distribution company.

Divesting of prohibited loans and investments

(3) No mutual fund in Ontario or its management company or its distribution company shall knowingly hold an investment made after September 15, 1979 and before the day this section comes into force if the investment is an investment described in this section.

Same

(4) No investment fund or its management company or its distribution company shall knowingly hold an investment made on or after the day this section comes into force if the investment is an investment described in this section.

Interpretation

(5) In this section,

“investment fund” means a mutual fund in Ontario or a non-redeemable investment fund that is a reporting issuer.

8. Section 112 of the Act is amended by striking out “No mutual fund” at the beginning and substituting “No investment fund”.

9. (1) Clause 113 (a) of the Act is amended by striking out “a mutual fund” and substituting “an investment fund”.

(2) Clause 113 (b) of the Act is amended by striking out “a mutual fund” and substituting “an investment fund”.

10. Section 114 of the Act is amended by striking out “a mutual fund” and substituting “an investment fund” and by striking out “the mutual fund” and substituting “the investment fund”.

11. (1) Subsection 115 (1) of the Act is amended by striking out “No mutual fund” at the beginning and substituting “No investment fund” and by striking out “the mutual fund” wherever it appears and substituting in each case “the investment fund”.

(2) Subsection 115 (2) of the Act is amended by striking out “a mutual fund” and substituting “an investment fund” and by striking out “the mutual fund” at the end and substituting “the investment fund”.

12. Section 117 of the Act is repealed and the following substituted:

Filing by management companies

117. (1) Every management company shall, in respect of each investment fund to which it provides services or advice, file a report prepared in accordance with the regulations of any of the following within 30 days after the end of the month in which it occurs:

1. Every transaction of purchase or sale of securities between the investment fund and any related person or company.

2. Every loan received by the investment fund from, or made by the investment fund to, any of its related persons or companies.

3. Every purchase or sale effected by the investment fund through any related person or company with respect to which the related person or company received a fee either from the investment fund or from the other party to the transaction or from both.

4. Any transaction in which, by arrangement other than an arrangement relating to insider trading in portfolio securities, the investment fund is a joint participant with one or more of its related persons or companies.

Relieving orders

(2) The Commission may, on the application of the management company of an investment fund and where it is of the opinion that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection (1) does not apply to any transaction or class of transactions.

13. (1) Subsection 126 (1) of the Act is repealed and the following substituted:

Freeze direction

(1) If the Commission considers it expedient for the due administration of Ontario securities law or the regulation of the capital markets in Ontario or expedient to assist in the due administration of the securities laws or the regulation of the capital markets in another jurisdiction, the Commission may,

(a) direct a person or company having on deposit or under its control or for safekeeping any funds, securities or property of any person or company to retain those funds, securities or property;

(b) direct a person or company to refrain from withdrawing any funds, securities or property from another person or company who has them on deposit, under control or for safekeeping; or

(c) direct a person or company to maintain funds, securities or property, and to refrain from disposing of, transferring, dissipating or otherwise dealing with or diminishing the value of those funds, securities or property.

Duration

(1.1) A direction under subsection (1) applies until the Commission in writing revokes the direction or consents to release funds, securities or property from the direction, or until the Superior Court of Justice orders otherwise.

(2) Section 126 of the Act is amended by adding the following subsection:

Grounds for continuance or other order

(5.1) An order may be made under subsection (5) if the court is satisfied that the order would be reasonable and expedient in the circumstances, having due regard to the public interest and,

(a) the due administration of Ontario securities law or the securities laws of another jurisdiction; or

(b) the regulation of capital markets in Ontario or another jurisdiction.

14. Section 133 of the Act is amended by adding the following paragraph:

2.1 A purchaser of a prescribed investment fund security trading on an exchange or an alternative trading system to whom a prescribed disclosure document referred to in subsection 71 (1.3) was required to be sent or delivered but was not sent or delivered in compliance with the regulations.

15. Section 138.14 of the Act is amended by adding the following subsection:

Suspension of limitation period

(2) A limitation period established by subsection (1) in respect of an action is suspended on the date a notice of motion for leave under section 138.8 is filed with the court and resumes running on the date,

(a) the court grants leave or dismisses the motion and,

(i) all appeals have been exhausted, or

(ii) the time for an appeal has expired without an appeal being filed; or

(b) the motion is abandoned or discontinued.

16. (1) Subsection 142 (2) of the Act is amended by striking out “sections 60” and substituting “sections 20, 60”.

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

Exception, market participant

(2.1) The definition of “market participant” in subsection 1 (1) does not include,

(a) Her Majesty in right of Canada;

(b) Her Majesty in right of Ontario;

(c) Her Majesty in right of any other province or territory of Canada; or

(d) an agent or servant of Her Majesty, as referred to in clause (a), (b) or (c).

17. Subsection 143 (1) of the Act is amended by adding the following paragraph:

54.1 Prescribing investment fund securities trading on an exchange or an alternative trading system for the purpose of subsection 71 (1.2), prescribing the disclosure document that is required in respect of prescribed investment fund securities under subsection 71 (1.3), prescribing the time and manner for sending or delivering the disclosure document, and prescribing the circumstances in which a purchase is not binding on a purchaser for the purpose of subsection 71 (2.1).

Commencement

18. (1) Subject to subsection (2), this Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Same

(2) Sections 4, 14 and 17 come into force on a day to be named by proclamation of the Lieutenant Governor.

schedule 29

taxation act, 2007

1. Clause (a) of the definition of “B” in subsection 12 (3) of the Taxation Act, 2007 is amended by striking out “sections 13 or 21” and substituting “sections 13, 20.1 or 21”.

2. (1) Subsection 13 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Dividend tax credit before 2014

(1) In determining the amount of a tax payable under this Division for a taxation year ending before January 1, 2014, an individual who is resident in Ontario on the last day of the year may deduct a dividend tax credit equal to the sum of,

(2) Clause 13 (1) (a.1) of the Act is amended by adding “and before January 1, 2014” after “ending after December 31, 2009”.

(3) Clause 13 (1) (b) of the Act is amended by adding “for a taxation year ending before January 1, 2014” at the beginning.

(4) Clause 13 (2) (d) of the Act is amended by adding “and before January 1, 2014” at the end.

3. Clause 15 (1) (a) of the Act is amended by striking out “sections 13 and 14” and substituting “sections 13, 14 and 20.1”.

4. The Act is amended by adding the following section:

Ontario dividend tax credit

20.1 In determining the amount of tax payable under this Division for a taxation year ending after December 31, 2013, an individual who is resident in Ontario on the last day of the year may deduct an Ontario dividend tax credit under this section equal to the sum of,

(a) 22.5 per cent of any amount required under subparagraph 82 (1) (b) (i) of the Federal Act to be included in computing the individual's income for the year in respect of dividends paid before January 1, 2014;

(b) 29.5 per cent of any amount required under subparagraph 82 (1) (b) (i) of the Federal Act to be included in computing the individual's income for the year in respect of dividends paid after December 31, 2013; and

(c) 36.3158 per cent of any amount required under subparagraph 82 (1) (b) (ii) of the Federal Act to be included in computing the individual's income for the year.

5. Paragraph 2 of subsection 21 (2) of the Act is amended by striking out “sections 13, 14 and 22” at the end and substituting “sections 13, 14, 20.1 and 22”.

6. (1) Subsection 23 (1) of the Act is amended by adding the following paragraph:

7.3 Subsection 104 (5) with respect to taxation years ending on or after December 31, 2014 that are base taxation years under Part V.

(2) Subsection 23 (3.1) of the Act is amended by striking out “a provision listed in paragraph 7.2, 8, 8.1, 9 or 10” in the portion before the formula and substituting “a provision listed in paragraph 7.2, 7.3, 8, 8.1, 9 or 10”.

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

Ontario business limit reduction

(5.5) Despite subsections (5) to (5.4), a Canadian-controlled private corporation's Ontario business limit for a particular taxation year ending in a calendar year and ending after May 1, 2014 is the amount, if any, by which its Ontario business limit otherwise determined under subsections (5) to (5.4) for the particular taxation year exceeds the amount determined by the formula,

$$A \times (B/\$11,250) \times C/E$$

in which,

“A” is the amount that would, but for this subsection, be the corporation's business limit for the particular taxation year,

“B” is the amount determined by the formula,

$$0.225\% \times (D - \$10 \text{ million})$$

in which,

“D” is,

(a) if, in both the particular taxation year and the preceding taxation year, the corporation is not associated with any corporation, the taxable capital employed in Canada (within the meaning assigned by subsection 181.2 (1) or 181.3 (1) or section 181.4 of the Federal Act, as the case may be) of the corporation for the preceding taxation year,

(b) if, in the particular taxation year, the corporation is not associated with any corporation but was associated with one or more corporations in the preceding taxation year, the taxable capital employed in Canada (within the meaning by subsection 181.2 (1) or 181.3 (1) or section 181.4 of the Federal Act, as the case may be) of the corporation for the particular taxation year, or

(c) if, in the particular taxation year, the corporation is associated with one or more particular corporations, the total of all amounts each of which is the taxable capital employed in Canada (within the meaning assigned by subsection 181.2 (1) or 181.3 (1) or section 181.4 of the Federal Act, as the case may be) of the corporation or of any of the particular corporations for its last taxation year that ended in the preceding calendar year.

“C” is the number of days in the particular taxation year that are after May 1, 2014, and

“E” is the total number of days in the particular taxation year.

8. Paragraph 3 of subsection 102 (3) of the Act is amended by striking out the formula and substituting the following:

$$(A \times 0.75) + [(C - A) \times 0.5] + [(B - C) \times 0.3333]$$

9. Subsection 103.1.1 (19) of the Act is repealed.

10. (1) Paragraph 3 of subsection 103.3 (3) of the Act is amended by striking out “is at least \$2” and substituting “is greater than \$2”.

(2) Paragraph 2 of subsection 103.3 (3.1) of the Act is repealed and the following substituted:

2. The individual may not make the request in an amended return.

(3) Paragraph 3 of subsection 103.3 (3.3) of the Act is repealed and the following substituted:

3. The individual dies.

(4) Subsection 103.3 (4) of the Act is repealed.

11. Paragraph 1 of subsection 103.6 (4) of the Act is amended by striking out "For the purposes of this Part" at the beginning and substituting "For the purposes of sections 103.9, 103.10, 103.11 and 103.12, subsections 103.13 (1) and (2) and section 103.14".

12. The definition of "T" in subsection 103.10 (6) of the Act is repealed and the following substituted:

"T" is the amount of the grant under section 104.1 which the senior received for the taxation year immediately following the base taxation year, and

13. Clause 103.14 (1) (a) of the Act is amended by striking out "or qualified dependant".

14. Part VII of the Act is amended by adding the following section:

Reportable transactions

110.1 (1) Section 237.3 of the Federal Act applies for the purposes of this Act in respect of a reportable transaction entered into after May 1, 2014 or a reportable transaction that is part of a series of transactions that is completed after May 1, 2014.

Same

(2) In the application of section 237.3 of the Federal Act for the purposes of this Act, references in that section to provisions of section 245 of the Federal Act shall be read as references to the comparable provisions of section 110 of this Act.

Definition

(3) In this section,

"reportable transaction" has the same meaning as in subsection 237.3 (1) of the Federal Act.

15. Sections 156 and 157 of the Act are repealed and the following substituted:

Mailing or sending date

156. For the purposes of this Act, if a notice or notification described in subsection 152 (3.1), 165 (3) or 166.1 (5) of the Federal Act, as it applies for the purposes of this Act, or a notice of assessment or determination is mailed or sent electronically, it shall be presumed to be mailed or sent, as the case may be, on the date of that notice or notification.

Date when electronic notice sent

156.1 Subsection 244 (14.1) of the Federal Act applies for the purposes of this Act.

Date when assessment made

157. Subsection 244 (15) of the Federal Act applies for the purposes of this Act.

16. (1) Paragraph 1 of section 176 of the Act is amended by adding the following subparagraph:

xvi. The healthy homes renovation tax credit under section 103.1.1.

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

1.1 The portion of the Ontario Trillium Benefit attributable to the Northern Ontario energy credit established under Part IV.1.

Commencement

17. (1) Subject to subsections (2) to (7), this Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

Same

(2) Section 8 is deemed to have come into force on January 1, 2009.

Same

(3) Section 15 is deemed to have come into force on December 15, 2010.

Same

(4) Sections 11, 12 and 13 are deemed to have come into force on May 12, 2011.

Same

(5) Subsections 10 (1), (2) and (3) are deemed to have come into force on June 21, 2013.

Same

(6) Sections 1, 2, 3, 4 and 5 are deemed to have come into force on January 1, 2014.

Same

(7) Section 6 comes into force on July 1, 2015.

schedule 30

taxpayer protection act, 1999

1. (1) Subsection 2 (9) of the Taxpayer Protection Act, 1999 is amended by striking out "If any bill described in subsection (8) is enacted" at the beginning and substituting "If the amendment described in paragraph 1 of subsection (8) is enacted".

(2) Subsection 2 (10) of the Act is amended by striking out "or to provide for the elimination of any tax rate increases described in paragraph 2 of subsection (8)" at the end.

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

Exception, 2014

(11) Subsection (1) does not apply to any bill that receives First Reading in 2014 and that includes a provision that would amend the Taxation Act, 2007 as follows:

1. By amending subsection 3 (1) of that Act to define the "middle tax rate" as 11.16 per cent, the "second-highest tax rate" as 12.16 per cent and the "second-lowest tax rate" as 9.15 per cent, and

2. By re-enacting subsection 6 (1) of that Act to provide that the basic personal income tax for a taxation year of an individual ending after December 31, 2013 is the sum of the following amounts:

i. The amount calculated by multiplying the lowest tax rate for the year by the portion of the individual's tax base for the year that does not exceed \$40,120.

ii. The amount calculated by multiplying the second-lowest tax rate for the year by the amount by which the individual's tax base for the year exceeds \$40,120, but does not exceed \$80,242.

iii. The amount calculated by multiplying the middle tax rate for the year by the amount by which the individual's tax base for the year exceeds \$80,242, but does not exceed \$150,000.

iv. The amount calculated by multiplying the second-highest tax rate for the year by the amount by which the individual's tax base for the year exceeds \$150,000, but does not exceed \$220,000.

v. The amount calculated by multiplying the highest tax rate for the year by the amount by which the individual's tax base for the year exceeds \$220,000.

Commencement

2. This Schedule comes into force on the day the Building Opportunity and Securing Our Future Act (Budget Measures), 2014 receives Royal Assent.

schedule 31

Tobacco tax act

1. (1) Subsection 2.2 (6) of the Tobacco Tax Act is amended by adding "and shall be filed together with such information as the Minister may specify" at the end.

(2) Section 2.2 of the Act is amended by adding the following subsection:

Additional information

(6.1) The Minister may require an applicant to provide such additional information as the Minister considers necessary in order to make a decision with respect to the application.

(3) Subsection 2.2 (11) of the Act is repealed and the following substituted:

Information return

(11) A person who holds a registration certificate issued under this section shall give the Minister an information return as the Minister may require within the time period and in the form and manner as specified by the Minister.

2. (1) Section 24 of the Act is amended by adding the following subsections:

Continued detention of vehicle

(10.1) If tobacco has been seized under subsection (3), a person who is authorized by the Minister for the purpose may continue to detain the vehicle detained under subsection (1) until it is impounded under subsection (10.2) if the vehicle was used for the purposes of transporting or possessing the tobacco in contravention of this Act and if the tobacco exceeds any of the following amounts:

1. 10,000 unmarked cigarettes.
2. 10,000 grams of unmarked fine cut tobacco.
3. 10,000 marked cigarettes.
4. 10,000 grams of marked fine cut tobacco.
5. 200 cigars.
6. 10,000 grams of any tobacco product other than cigarettes, cigars or fine cut tobacco.
7. 10,000 grams of raw leaf tobacco.

Administrative seven-day impoundment

(10.2) Upon a vehicle being detained under subsection (10.1), the vehicle shall, at the cost of and risk to its owner,

(a) be removed to an impound facility as directed by the person authorized by the Minister under subsection (10.1); and

(b) be impounded for seven days.

Release of vehicle

(10.3) Subject to subsection (10.10), the vehicle shall be released to its owner from the impound facility upon the expiry of the period of impoundment.

Early release of vehicle

(10.4) Despite the detention or impoundment of a vehicle under this section, a person authorized by the Minister under subsection (10.1) may release the vehicle to its owner before it is impounded under subsection (10.2) or, subject to subsection (10.10), may direct the operator of the impound facility where the vehicle is impounded to release the vehicle to its owner before the expiry of the seven days if the person authorized is satisfied that,

(a) the vehicle was stolen at the time that it was stopped under subsection (1);

(b) the owner of the vehicle had no knowledge that the vehicle would be used to transport or possess tobacco at the time the owner permitted the driver of the vehicle to use the vehicle and the owner's lack of knowledge was reasonable; or

(c) the owner knew that the vehicle would be used to transport or possess tobacco and exercised due diligence to determine that the transportation or possession of the tobacco would not be in contravention of this Act.

Duty of authorized person re impoundment

(10.5) Every person authorized by the Minister under subsection (10.1) who detains a vehicle under that subsection shall, as soon as practicable,

(a) prepare a notice identifying the vehicle that is to be impounded under subsection (10.2), the name and address of the driver, the date and time of the impoundment, the period of time for which the vehicle is impounded, the place where the vehicle may be recovered and the availability of early release of the vehicle under subsection (10.4); and

(b) serve the driver with a copy of the notice.

Same

(10.6) Service of a copy of a notice under subsection (10.5) on the driver of the vehicle is deemed to be service on and sufficient notice to the owner of the vehicle.

Further notice to owner

(10.7) In addition to serving the owner of the vehicle through service on the driver under subsection (10.5), a person authorized by the Minister for the purposes of subsection (10.1) shall as soon as practicable provide a copy of the notice prepared under subsection (10.5) to the owner by delivering it personally to the owner or by mailing it to the owner's last known address.

No appeal or hearing

(10.8) There is no appeal from, or right to be heard before, a vehicle detention or vehicle impoundment under subsection (10.1) or (10.2), but this subsection does not affect the taking of any proceeding in court.

Lien for storage costs

(10.9) The costs incurred by the person who operates the impound facility where a vehicle is impounded under this section are a lien on the vehicle that may be enforced under the Repair and Storage Liens Act.

Costs to be paid before release of vehicle

(10.10) The person who operates the impound facility where a vehicle is impounded under subsection (10.2) is not required to release the vehicle until the removal and impound costs for the vehicle have been paid and if the Crown is the person who operates the impound facility, the Crown is not required to release the vehicle until those costs have been paid.

Owner may recover losses from driver

(10.11) The owner of a vehicle that is impounded under this section may bring an action against the driver of the vehicle at the time the vehicle was detained under subsection (1) to recover any costs or other losses incurred by the owner in connection with the impoundment provided that the owner did not know and could not reasonably have known that the vehicle would be used for the purposes of transporting or possessing tobacco in contravention of this Act.

Offence

(10.12) Every person who obstructs or interferes with a person authorized under subsection (10.1) in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.

Impoundment concurrent with other administrative impoundments

(10.13) The impoundment of a vehicle under this section runs concurrently with an impoundment, if any, of the same vehicle under any other Act.

(2) The definition of "vehicle" in subsection 24 (11) of the Act is amended by striking out "a number plate is attached" and substituting "a number plate is or should be attached".

3. (1) Paragraphs 1, 2 and 3 of subsection 31 (1) of the Act are repealed and the following substituted:

1. If the tobacco product is unmarked cigarettes, an amount equal to three times the tax that would be payable under section 2 by a consumer purchasing the same quantity of cigarettes that were sold or delivered by the person for resale without holding a subsisting wholesaler's permit.

2. If the tobacco product is marked cigarettes, an amount equal to \$25 for each 200 cigarettes sold or delivered by the person for resale without holding a subsisting wholesaler's permit.

3. If the tobacco product is unmarked fine cut tobacco, an amount equal to three times the tax that would be payable under section 2 by a consumer purchasing the same amount of fine cut tobacco that was sold or delivered by the person for resale without holding a subsisting wholesaler's permit.

4. If the tobacco product is marked fine cut tobacco, an amount equal to \$25 for each 200 grams of fine cut tobacco sold or delivered by the person for resale without holding a subsisting wholesaler's permit.

5. If the tobacco product is cigars, for every cigar, an amount equal to 170 per cent of the price at which the cigar was sold.

6. If the tobacco product is not cigarettes, fine cut tobacco or cigars, an amount equal to three times the tax that would be payable under section 2 by a consumer purchasing the same quantity of tobacco products that were sold or delivered by the person for resale without holding a subsisting wholesaler's permit.

(2) Subparagraph 2 i of subsection 31 (2) of the Act is amended by striking out "\$8" and substituting "\$25".

(3) Subparagraph 4 i of subsection 31 (2) of the Act is amended by striking out "\$8" and substituting "\$25".

4. (1) Subparagraph 2 i of subsection 35 (2) of the Act is amended by striking out "\$8" and substituting "\$25".

(2) Subparagraph 4 i of subsection 35 (2) of the Act is amended by striking out "\$8" and substituting "\$25".

(3) Subparagraph 2 i of subsection 35 (2.0.1) of the Act is amended by striking out "\$8" and substituting "\$25".

(4) Subparagraph 4 i of subsection 35 (2.0.1) of the Act is amended by striking out "\$8" and substituting "\$25".

(5) Paragraphs 1, 2 and 3 of subsection 35 (4) of the Act are repealed and the following substituted:

1. If the tobacco product is unmarked cigarettes, an amount equal to three times the tax that would be payable under section 2 by a consumer purchasing the same quantity of cigarettes that were purchased, stored, delivered, transported or possessed.

2. If the tobacco product is marked cigarettes, an amount equal to \$25 for each 200 cigarettes purchased, stored, delivered, transported or possessed.

3. If the tobacco product is unmarked fine cut tobacco, an amount equal to three times the tax that would be payable under section 2 by a consumer purchasing the same amount of fine cut tobacco that were purchased, stored, delivered, transported or possessed.

4. If the tobacco product is marked fine cut tobacco, an amount equal to \$25 for each 200 grams of fine cut tobacco purchased, stored, delivered, transported or possessed.

5. If the tobacco product is cigars, for every cigar purchased by the person, an amount equal to 170 per cent of the price at which the cigar was purchased.

6. If the tobacco product is not cigarettes, fine cut tobacco or cigars, an amount equal to three times the tax that would be payable under section 2 by a consumer purchasing the same quantity of tobacco products that were purchased, stored, delivered, transported or possessed.

5. The Act is amended by adding the following section:

Presiding judge

36.3 The Crown, by notice to the clerk of the Ontario Court of Justice, may require that a provincial judge preside over a proceeding in respect of an offence under this Act.

Commencement

6. This Schedule comes into force on the day the *Building Opportunity and Securing Our Future Act (Budget Measures), 2014* receives Royal Assent.

schedule 32

trillium trust act, 2014

Definitions

1. In this Act,

"constructing" includes reconstructing, improving, extending, altering, replacing and repairing; ("construction")

"infrastructure" means the physical structures, associated facilities and things by or through which a public service is provided to the people of Ontario, such as public transportation systems, highways, bridges, water works, hospitals, courthouses and schools, but does not include any physical structures, facilities or things that are excluded under the regulations; ("infrastructure")

"ministry" means a ministry of the Government of Ontario; ("ministère")

"net proceeds of disposition" means the gain realized when a ministry or public entity disposes of a qualifying asset; ("produit net de disposition")

"public entity" has the same meaning as in the Financial Administration Act; ("entité publique")

"public money" has the same meaning as in the Financial Administration Act; ("deniers publics")

"qualifying asset" means an asset prescribed in the regulations; ("actif admissible")

“tangible capital asset” means a tangible capital asset by or through which a public service is provided to the people of Ontario, other than a physical structure, facility or thing described in the definition of “infrastructure”; (“immobilisation corporelle”)

“Trillium Trust” means the account established under section 2. (“Fonds Trillium”)

Trillium Trust

2. (1) The Minister of Finance shall maintain in the Public Accounts an account to be known as the Trillium Trust in which shall be recorded all receipts and disbursements of public money under this Act.

Special purposes

(2) Money credited to the Trillium Trust is deemed, for the purposes of the Financial Administration Act, to be money paid to Ontario for the following special purposes:

1. To fund, directly or indirectly, costs incurred in connection with constructing or acquiring infrastructure or other tangible capital assets.
2. To reimburse the Province of Ontario for expenditures it incurs, directly or indirectly, in connection with constructing or acquiring infrastructure or other tangible capital assets.

Disposition of qualifying asset

3. (1) When a public entity disposes of a qualifying asset, the public entity shall promptly pay into the Consolidated Revenue Fund the amount that is required to be credited to the Trillium Trust under the regulations.

Amounts to be credited

(2) The Trillium Trust shall be credited with the following amounts:

1. In the case of a disposition of a qualifying asset by a public entity, an amount equal to the amount that has been paid into the Consolidated Revenue Fund under subsection (1).
2. In the case of a disposition of a qualifying asset by a ministry, an amount equal to the amount that is required to be credited to the Trillium Trust under the regulations and that has been paid into the Consolidated Revenue Fund.

Regulations

4. (1) Subject to the approval of the Lieutenant Governor in Council, the Treasury Board may make regulations,

- (a) designating an asset of a ministry or a public entity as a qualifying asset for the purposes of this Act;
- (b) prescribing the manner in which the net proceeds of disposition of a qualifying asset are to be calculated;
- (c) designating the amount of the net proceeds of disposition of a qualifying asset that is to be credited to the Trillium Trust, or the method of calculating the amount;
- (d) excluding physical structures, facilities or things from the definition of “infrastructure” in section 1;
- (e) respecting the accounting for, and the reporting, management and administration of, the Trillium Trust.

Timing of regulation

(2) A regulation under clause (1) (a), (b) or (c) may be made before or after the disposition of the relevant asset.

Same

(3) A regulation under clause (1) (a) may designate an asset that was disposed of before the day this section comes into force as a qualifying asset for the purposes of this Act.

Commencement

5. The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of the Act set out in this Schedule is the Trillium Trust Act, 2014.

EXPLANATORY NOTE

This Explanatory Note was written as a reader’s aid to Bill 14 and does not form part of the law. Bill 14 has been enacted as Chapter 7 of the Statutes of Ontario, 2014.

The Bill amends a number of Acts and enacts three new Acts. For convenience, the amendments are set out in separate Schedules. The commencement provisions for each of the Schedules are set out in the Schedules.

schedule 1

Assessment Act

Currently, subsection 3 (1) of the Assessment Act provides that certain types of real property are exempt from taxation under the Act. A new paragraph 7.2 exempts land that is used as a non-profit long-term care home, if the prescribed conditions are satisfied.

schedule 2

Broader Public Sector Accountability Act, 2010

The change made to the Broader Public Sector Accountability Act, 2010 in the Schedule reflects the amalgamation of the IESO and the OPA and their continuation as the IESO as made in Schedule 7, amendments to the Electricity Act, 1998.

schedule 3

building code act, 1992

Currently, under subsection 8 (2) of the Building Code Act, 1992, the chief building official must issue a permit unless any of the listed circumstances apply. New clause 8 (2) (b.1) adds the following circumstance: the Architects Act or the Professional Engineers Act requires that the construction of a building be designed by an architect or a professional engineer or a combination of both and the construction is not so designed.

Under subsection 15.11 (5) of the Act, any of the listed activities may only be engaged in by persons who have the qualifications and meet the requirements set out in the regulations to be a designer. New subsection 15.11 (8) exempts from that subsection a holder of any licence or certificate issued under the Architects Act or the Professional Engineers Act.

New paragraph 9.1 of subsection 34 (1) of the Act authorizes regulations requiring the construction of certain types of smaller buildings described in the Architects Act or the Professional Engineers Act to be designed by an architect or a professional engineer or a combination of both, even though those Acts do not require that they be so designed. Paragraph 10 of the subsection is amended to make the references to “architect” and “professional engineer” consistent with those references elsewhere in the Act.

Schedule 4

Children's law Reform act

Section 35 of the Children's Law Reform Act is amended to replace descriptions of certain dates with the actual dates. In addition, section 38 of the Act is amended in order to refine the scope of the provincial court's powers in relation to contempt of its orders and to add a related transition provision.

schedule 5

commodity futures act

The Commodity Futures Act is amended. Highlights of the amendments are as follows:

1. The definition of “market participant” in subsection 1 (1) of the Act is amended.
2. Changes are made with respect to the scope of compliance reviews under section 14.1 of the Act.
3. Section 59 of the Act is amended to expand the types of freeze directions that the Securities Commission may make and to add a test for continuing a freeze direction.

schedule 6

COMPULSORY AUTOMOBILE INSURANCE ACT

Currently, section 11 of the Compulsory Automobile Insurance Act provides that the Superintendent has the same investigatory powers in respect of the Facility Association as the Superintendent has in respect of insurers under the Insurance Act. Amendments are made to update cross-references to the Insurance Act.

schedule 7

Electricity Act, 1998

The Schedule amends the Electricity Act, 1998 by amalgamating the Independent Electricity System Operator (“IESO”) and the Ontario Power Authority (“OPA”) and by continuing them as the Independent Electricity System Operator (“IESO”). The board of directors of the IESO is required to ensure that there is an effective separation of functions and activities of the IESO relating to its market operations and its procurement and contract management activities. The IESO is prohibited from conducting itself in a manner that could unjustly advantage or disadvantage any market participant or any class of market participant. The board of directors is also required to ensure that confidentiality is maintained.

In the re-enacted section 6 of the Act, the objects of the IESO are set out. The IESO has the capacity, rights, powers and privileges of a natural person for the purpose of carrying out its objects, except as limited by the Act. The IESO's powers to borrow, invest its funds and to manage its financial assets, liabilities and risks are subject to such rules and restrictions as are prescribed.

The IESO is not an agent of the Crown and is composed of its board of directors. The board of directors is composed of the IESO's chief executive officer and between eight and 10 additional individuals appointed by the Minister of Energy. The board of directors appoints the chief executive officer.

The re-enacted sections 12 and 13 deal respectively with the duties of the directors and conflicts of interest for directors and officers. The IESO's board may establish policies, rules, guidelines and codes, but a provision of a policy, rule, guideline or code is void if it conflicts with the Act, the regulations or the IESO's by-laws. Subject to certain specified limitations, the board of directors may delegate its powers to a committee of the board or may delegate powers to manage the business and affairs of the IESO to one or more directors or to one or more officers of the IESO. Part XX of the Employment Standards Act, 2000, which deals with the liability of directors, does not apply to the directors of the IESO.

The board of directors of the IESO may make by-laws regulating the business and affairs of the IESO and, in particular, shall ensure that it maintains a by-law dealing with matters of corporate governance and structure. The amendment or repeal of this by-law is subject to certain specified restrictions.

The Minister of Finance, as authorized by an order of the Lieutenant Governor in Council and subject to specified restrictions, may purchase the securities of or make loans to the IESO.

At least 120 days before the beginning of each fiscal year, the IESO shall submit its proposed business plan for the fiscal year to the Minister for approval. The IESO shall, at least 60 days before the beginning of each fiscal year, submit its proposed expenditure and revenue requirements for the fiscal year and the

fees it proposes to charge during the fiscal year to the Ontario Energy Board for review, but shall not do so until after the Minister approves the IESO's proposed business plan for the fiscal year. The IESO shall not, without the approval of the Board, establish, eliminate or change any fees it has established, or eliminate or change any fees established by a predecessor that remain in effect. The purposes for which the IESO may establish and collect fees are set out in the re-enacted section 25.1.

The IESO's board of directors is required to appoint one or more auditors to annually audit the IESO's accounts and transactions. Within 90 days after the end of each fiscal year, the IESO shall submit an annual report to the Minister, which report shall contain the IESO's audited financial statements. In addition, the Minister may require that the IESO submit other reports and information from time to time. The IESO is also required to provide the Ontario Energy Board and the Market Surveillance Panel with such information as they may require from time to time.

The re-enacted sections 25.8 to 25.10 deal with transitional matters resulting from the amalgamation of the predecessor IESO and the OPA and their continuation as the IESO. The transitional provision dealing with corporate matters, section 25.8, provides, among other things, that the predecessor IESO and the OPA cease to exist as entities separate from the IESO and all their rights, properties and assets become the rights, properties and assets of the IESO, as do all outstanding debts, liabilities and obligations of the predecessor IESO and the OPA. The members of the boards of directors of the predecessor IESO and the OPA cease to be members of their respective boards. The by-laws of the predecessor IESO are continued as the by-laws of the IESO. The IESO stands in the place of the predecessor IESO and the OPA with respect to any agreements, securities, approvals, permits and other instruments to which they were a party. Similarly, the IESO is a party to each ongoing proceeding to which the predecessor IESO or the OPA were a party at the time of the amalgamation. Section 25.9 deals with employment matters — employees of the predecessor IESO and the OPA become employees of the IESO. Transitional issues dealing with certain governance and other matters are dealt with in section 25.10.

The Schedule also amends Part II.2 of the Act, in part to reflect the amalgamation of the predecessor IESO and the OPA and their continuation as the IESO. References to the OPA are changed to the IESO throughout the Part.

There are numerous amendments to the Act to reflect the amalgamation and the continuation of the IESO. The regulation-making authority in section 114 is amended to reflect amendments in the Schedule. A new provision, subsection 114 (9), is added to permit the Lieutenant Governor in Council to make regulations governing transitional matters necessary or desirable to facilitate the amalgamation of the predecessor IESO and the OPA and the merging or segregation within the IESO of any duties, functions or activities of the predecessor IESO and the OPA.

A complementary amendment will be made to the Broader Public Sector Executive Compensation Act, 2014, contained in Bill 8 (Public Sector and MPP Accountability and Transparency Act, 2014), if Bill 8 receives Royal Assent.

A separate amendment is made to section 25.35 of the Act. Currently, that section permits the Minister to direct the OPA to develop a feed-in-tariff program. The Schedule repeals subsection 25.35 (3) of the Act, which requires the Minister to issue, and the OPA to follow, directions that set out the goals relating to domestic content to be achieved during the period to be covered by the program.

schedule 8

Environmental Bill of Rights, 1993

The change made to the Environmental Bill of Rights, 1993 in the Schedule reflects the amalgamation of the IESO and the OPA and their continuation as the IESO as made in Schedule 7, amendments to the Electricity Act, 1998.

Schedule 9

Family Law Act

The Schedule amends the Family Law Act, primarily to establish processes for calculating and recalculating child support obligations administratively, without going to court. An existing regulation-making authority providing for the administrative recalculation of child support, enacted by the Family Statute Law Amendment Act, 2009 but not brought into force, is consequently repealed.

The administrative calculation of child support is set out in the re-enacted section 39 of the Family Law Act. If certain conditions are met, parents of a child may apply for the calculation of child support by a child support calculation service established by the Government (subsections (1), (2) and (3)). The conditions include a requirement that there not already be an enforceable child support obligation respecting the child under a court order or a domestic contract filed with the court. The parents of the child must provide specified information, including income information, to the service for the purposes of the calculation (subsection (4)). Child support amounts are calculated by the service in accordance with the child support guidelines, subject to the regulations, and the resulting child support is payable on a periodic basis (subsections (5) and (6)). On completing a child support calculation, the service sends a notice of calculation to the parents setting out, among other things, the child support payable and by whom (subsection (7)). The notice of calculation is to be treated as if it were a court order for the purposes of enforcement and recalculation (subsection (14)) and is enforceable by the Director of the Family Responsibility Office (subsection (15)). Section 39 also addresses the timing of the first payment under the notice of calculation (subsection (8)), and how errors respecting the amount payable under the notice or to whom may be corrected (subsections (9), (10), (11), (12) and (13)). Section 69 of the Act is amended to add subsections (5) and (6), which provide for various regulation-making authorities relating to the calculation of child support under section 39, including an authority to set fees for calculations as well as to exempt persons from their payment.

The administrative recalculation of child support is set out in the new section 39.1 of the Act. If any party to a court order for child support believes that the income information on which the order was based has changed, the party may apply for the recalculation of the child support by a child support recalculation service established by the Government (subsections (1) and (2)). Although section 39.1 refers only to orders, section 39.1 is also made to apply to the recalculation of child support amounts under notices of calculation under section 39 (by virtue of clause 39 (14) (c)) and under domestic contracts that are filed with a court (by virtue of the addition of clause 35 (2) (d)). The parties must provide specified information, including income information, to the service for the purposes of the recalculation (subsection (4)). If a party does not provide the required income information, the service may determine, in accordance with the

regulations, an amount that is deemed to be the party's income for the purposes of the recalculation (subsection (5)). Child support amounts are recalculated by the service in accordance with the child support guidelines, subject to the regulations (subsection (6)). On completing a child support calculation, the service sends a notice of recalculation to the parties setting out, among other things, the recalculated child support payable and by whom (subsection (7)). However, if the difference between the current amount payable and the recalculated amount payable is less than an amount to be determined in the regulations, the child support payable remains unchanged (subsection (8)). In any other case, the recalculated amount is deemed to be the amount payable under the order once the first payment of the recalculated amount is due (subject to subsection 25.1 (5) of the Divorce Act (Canada), which applies to orders made under that Act, and which stays the effect of the recalculation if a party brings an application to vary before a court in response to the recalculation) (subsection (16)). The timing of the first payment of the recalculated amount is addressed in subsection (10), and subsections (11), (12), (13), (14) and (15) set out how errors respecting the recalculated amount or to whom it is payable may be corrected. Section 69 of the Act is amended to add subsections (7) and (8), which provide for various regulation-making authorities relating to the recalculation of child support under section 39.1, including an authority to set fees for recalculations as well as to exempt persons from their payment. A regulation-making authority is also included to provide for the automatic recalculation of recalculated child support amounts.

In addition to the amendments relating to the administrative calculation and recalculation of child support, section 46 of the Act is amended to replace descriptions of certain dates with the actual dates. Section 49 of the Act is amended in order to limit the scope of the provincial court's powers in relation to contempt of its orders under section 46 of the Act and to add a related transition provision.

Finally, a number of miscellaneous amendments are made to the Act. These include a clarification to the French version of the definition of "parent", and the addition of a definition of "regulations" and related amendments.

Schedule 10

Family Responsibility and Support Arrears Enforcement Act, 1996

The Schedule amends the Family Responsibility and Support Arrears Enforcement Act, 1996 in order to reflect amendments made by the Bill to the Family Law Act that establish processes for calculating and recalculating child support obligations administratively.

The amendments made to the Family Responsibility and Support Arrears Enforcement Act, 1996 provide for the enforcement of notices of calculations and of recalculated child support amounts by the Director of the Family Responsibility Office. To effect this, the definition of "support order" in subsection 1 (1) of the Act is amended to include notices of calculation under section 39 of the Family Law Act, and subsection 1 (4) is added to equate child support amounts recalculated under section 39.1 of the Family Law Act and support orders that have been changed.

As well, a number of miscellaneous amendments are made to the Family Responsibility and Support Arrears Enforcement Act, 1996. These include updating references to the Minister responsible for the administration of the Act and references to the Ontario Lottery and Gaming Corporation.

schedule 11

gasoline tax ACT

Subsection 2 (2) of the Gasoline Tax Act sets out the tax rate payable by purchasers of aviation fuel. The subsection is re-enacted to increase the tax rate by one cent per litre on September 1, 2014, and by one cent per litre on April 1 in each of 2015, 2016 and 2017. Related amendments are made with respect to the implementation of the increases.

schedule 12

housing development ACT

The Schedule amends the Housing Development Act in connection with related amendments to the Ontario Mortgage and Housing Corporation Act in Schedule 25 to dissolve the Ontario Mortgage Corporation.

schedule 13

income tax act

The Schedule amends the Income Tax Act to provide for the winding down of the Ontario child care supplement for working families.

schedule 14

insurance act

The Schedule amends the *Insurance Act* to prohibit the provision of long-term disability benefits in Ontario unless the benefits are payable under a contract of insurance undertaken by a licensed insurer.

Technical amendments are made to various provisions of the Act.

schedule 15

interim appropriation for 2014-2015 act, 2014

The Schedule enacts the Interim Appropriation for 2014-2015 Act, 2014 which authorizes expenditures for the fiscal year ending on March 31, 2015 up to specified maximum amounts. The expenditures authorized under the Act are to be applied in accordance with the votes and items set out in the estimates and supplementary estimates for the fiscal year ending on March 31, 2015 that are tabled in the Assembly.

schedule 16

land transfer tax act

A new section 12.1 of the Land Transfer Tax Act sets out a general anti-avoidance rule that applies for the purposes of the Act and the regulations.

Generally, the rule provides for the determination of tax consequences as is reasonable in the circumstances in order to deny a tax benefit that would result, directly or indirectly, from an avoidance transaction or from a series of transactions that includes an avoidance transaction. (See subsection 12.1 (3) of the

Act.) However, such a tax benefit would not be denied if it may reasonably be considered that the transaction would not result, directly or indirectly, in a misuse of the provisions of the Act or the regulations or in an abuse having regard to the provisions of the Act or the regulations read as a whole. (See subsection 12.1 (5) of the Act.)

Without restricting the generality of subsection 12.1 (3) of the Act, subsection 12.1 (6) provides examples of tax consequences that may be determined in order to deny a tax benefit.

If a person has received notice of an assessment, reassessment or additional assessment in respect of a transaction under this rule, another person may request that the Minister assess, reassess or make an additional assessment involving the application of subsection 12.1 (3) of the Act to that person in respect of the same transaction. (See subsection 12.1 (7) of the Act.)

The rule applies to transactions completed after May 1, 2014, including transactions that are part of a series of transactions that commenced on or before that day, and also applies to transactions completed on or before May 1, 2014 if they are part of a series of transactions that includes one or more transactions completed after that day. (See subsection 12.1 (2) of the Act.)

Schedule 17

legislative assembly act

Under the Legislative Assembly Act, the annual salary of MPPs for the 2013-2014 fiscal year was frozen at the salary level that was in effect on March 26, 2009. An amendment continues this salary freeze from April 1, 2014 until the beginning of the second fiscal year immediately following a fiscal year after March 31, 2014 for which the Consolidated Statement of Operations of the Province, as set out in the Public Accounts laid before the Assembly, shows that the Province's total revenues exceed or are equal to its total expenses. The amendment is made retroactive to April 1, 2014.

schedule 18

Lobbyists Registration Act, 1998

The change made to the Lobbyists Registration Act, 1998 in the Schedule reflects the amalgamation of the IESO and the OPA and their continuation as the IESO as made in Schedule 7, amendments to the Electricity Act, 1998.

schedule 19

long-Term care homes act, 2007

The Schedule amends the Long-Term Care Homes Act, 2007 to extend the maximum term of long-term care home licences from 25 to 30 years and to extend the term of certain existing licences.

schedule 20

Ministry of Energy Act, 2011

The change made to the Ministry of Energy Act, 2011 in the Schedule reflects changes made to the *Electricity Act, 1998* in Schedule 7.

schedule 21

Ministry of Municipal Affairs and Housing ACT

The Schedule repeals an obsolete provision of the Ministry of Municipal Affairs and Housing Act.

Schedule 22

Ministry of Revenue Act

The Schedule adds sections 11.2 and 11.3 to the Ministry of Revenue Act to provide authority for memoranda of understanding to establish and administer a child support calculation service and a child support recalculation service under the Family Law Act. Authorities are also added to section 12 of the Ministry of Revenue Act to permit agreements with the Canada Revenue Agency to disclose information for the purposes of calculations and recalculations, and to provide that fees payable to the Government of Canada under any such agreement are payable out of the Consolidated Revenue Fund.

schedule 23

Ontario Energy Board Act, 1998

The changes made to the Ontario Energy Board Act, 1998 in the Schedule reflect the amalgamation of the IESO and the OPA and their continuation as the IESO and the changes in the role of the continued IESO as made in Schedule 7, amendments to the Electricity Act, 1998.

schedule 24

ontario loan act, 2014

The Ontario Loan Act, 2014 is enacted. Subsection 1 (1) of the Act authorizes the Crown to borrow a maximum of \$19.5 billion.

schedule 25

ontario mortgage and housing CORPORATION ACT

The Schedule amends the Ontario Mortgage and Housing Corporation Act. Here are some highlights of the amendments.

A new section of the Act dissolves the Ontario Mortgage Corporation and transfers its assets, liabilities, rights and obligations to the Ontario Mortgage and Housing Corporation.

A new section of the Act transfers to the Ontario Mortgage and Housing Corporation all mortgages in favour of the Crown under a specified housing program and all money held in the fund established under the program. The section provides that money transferred to the Corporation and money it receives under the transferred mortgages may be used by the Corporation only for housing purposes and in accordance with a by-law approved by the Minister of Municipal Affairs and Housing.

A new section of the Act provides for the co-ordination of financing activities of the Corporation by the Ontario Financing Authority.

As a result of amendments made to the Act, the Corporation no longer has the power to create a subsidiary corporation or the power to declare in a contract, security or instrument that it is not acting as an agent of the Crown for that purpose and the Corporation has the power to acquire, hold and dispose of real property only in the ordinary course of its business.

The section of the Act which deals with the Ontario Mortgage and Housing Initiative is repealed.

A new section of the Act provides that the Lieutenant Governor in Council may by order require the board of directors of the Corporation to wind up the affairs of the Corporation.

schedule 26

pension benefits act

Interpretation of "spouse"

The provisions of the Pension Benefits Act dealing with joint and survivor pensions (section 44) and pre-retirement death benefits (section 48) are amended. The amendments relate to how the definition of "spouse" in subsection 1 (1) of the Act applies in those provisions for the purpose of determining eligibility for benefits.

Administrators who made payments in specified circumstances before the amendments come into force are granted a discharge. In the case of payments under section 44, the discharge is granted to administrators who made payments before the day the amendments come into force. In the case of payments under section 48, the discharge is granted to administrators who made payments before October 31, 2012. The Act is amended to provide that no person has a claim against an administrator who made payments, or against the recipient of the payments, if specified circumstances exist.

Technical amendments re transfer of assets

Technical amendments are made to section 80.1 of the Act in respect of the transfer of assets between pension plans when a business has previously been sold. Currently, section 80.1 of the Act is to be repealed on July 1, 2015. The Schedule changes the repeal date to July 1, 2016. A consequential amendment is made to the Pension Benefits Amendment Act, 2010 in order to implement the new repeal date.

Conversions of single employer pension plans into jointly sponsored pension plans

Amendments to the Act provide for the conversion of a single employer pension plan into a jointly sponsored pension plan. A conversion may be implemented in either of two ways: through a transfer of assets and liabilities from the single employer pension plan to another pension plan that is a jointly sponsored pension plan or through amendments to the single employer pension plan itself. Conversion is available for public sector pension plans and other prescribed pension plans that provide defined benefits. Here are some details of the two types of conversion.

New section 80.4 of the Act governs a conversion that is implemented through a transfer of assets and liabilities from the single employer pension plan to another pension plan that is a jointly sponsored pension plan. Notice of a proposed conversion and transfer of assets must be given to the members, former members, retired members and other persons entitled to benefits under the single employer pension plan, to any trade union that represents members of the plan and to the Superintendent. The transfer of assets is not authorized unless the members, former members, retired members and other persons entitled to benefits consent to the conversion and transfer of assets, or are deemed in accordance with the regulations to have done so. The prior consent of the Superintendent to the transfer of assets is also required. The criteria to be considered by the Superintendent are specified. If any assets remain in the single employer pension plan after the transfer of assets to the jointly sponsored pension plan, the amount of the remaining assets (other than assets relating to defined contribution benefits) is deemed to be surplus under the single employer pension plan.

New section 81.0.1 of the Act governs a conversion that is implemented through amendments to the single employer pension plan itself. Analogous requirements for notice and consent apply with respect to this type of conversion. The criteria to be considered by the Superintendent are specified.

For both types of conversion, if the jointly sponsored pension plan is subsequently wound up and the money in the pension fund is not sufficient to pay all of the benefits for those members, former members, retired members and other persons who were entitled to benefits under the single employer pension plan, the employer is required to pay the amount of the shortfall related to those benefits into the pension fund. (See subsections 75.1 (1.1) and (1.2) of the Act.)

For a conversion that is implemented through a transfer of assets, if the employer subsequently withdraws as a participating employer in the jointly sponsored pension plan, the employer may be required to make a payment into the pension fund in prescribed circumstances for the benefit of the transferred members and other transferees. (See subsection 80.4 (18) of the Act.)

Both sections contain a provision conferring immunity on the Crown in specified circumstances in connection with a conversion. (See subsections 80.4 (20) and 81.0.1 (16) of the Act.)

Related amendments are made to other sections of the Act.

schedule 27

Prepaid Hospital and Medical Services Act

Currently, section 14.1 of the Prepaid Hospital and Medical Services Act provides that the Superintendent has the same investigatory powers in respect of registered associations as the Superintendent has in respect of insurers under the Insurance Act. Amendments are made to update cross-references to the Insurance Act.

schedule 28

securities act

The Securities Act is amended. Highlights of the amendments are as follows:

1. The definition of "market participant" in subsection 1 (1) of the Act is amended.
2. Changes are made with respect to the scope of compliance and continuous disclosure reviews under sections 20 and 20.1 of the Act.
3. The self-dealing provisions in Part XXI of the Act are amended so that they extend to all investment funds.
4. Section 126 of the Act is amended to expand the types of freeze directions that the Securities Commission may make and to add a test for continuing a freeze direction.
5. The limitation period in respect of an action commenced under section 138.3 is amended.
6. Disclosure requirements with respect to exchange traded funds are added.

schedule 29

taxation act, 2007

The Schedule amends the Taxation Act, 2007. Here are some highlights of the amendments.

Dividend tax credit

Currently, section 13 of the Act sets out rules governing the dividend tax credit, which is a tax credit that is deducted before the calculation of surtax. Amendments provide that those rules apply to taxation years ending before January 1, 2014.

New section 20.1 of the Act provides for the calculation of the dividend tax credit that applies to taxation years ending after December 31, 2013. The tax credit is deducted after the calculation of surtax.

Consequential amendments are made to clauses 12 (3) (a) and 15 (1) (a) and subsection 21 (2).

Ontario child benefit

Amendments are made to subsections 23 (1) and (3.1) of the Act to allow the dollar amounts used to determine the Ontario child benefit under subsection 104 (5) to be adjusted each year, beginning on July 1, 2015, with reference to the change in the Consumer Price Index for Ontario.

Small business deduction

Amendments are made to the calculation of the small business deduction available to Canadian-controlled private corporations under section 31 of the Act. New subsection 31 (5.5) of the Act will phase out the small business deduction, on a straight-line basis, for corporations having taxable capital employed in Canada of between \$10 million and \$15 million. The small business deduction would be eliminated for corporations having more than \$15 million of taxable capital employed in Canada.

Ontario Trillium Benefit

Part IV.1 of the Act sets out the Ontario Trillium Benefit. Subsection 103.3 (3) of the Act currently governs the payment of the Benefit if the total amount of an individual's Benefit is at least \$2 but not more than \$360. An amendment is made to provide that the subsection applies if the total amount of an individual's benefit is greater than \$2 but not more than \$360.

Currently, subsection 103.3 (3.1) of the Act sets out the rules under which an individual may request to receive the Benefit as a single payment for a 12-month period. An amendment provides that the individual may not make the request in an amended return.

Subsection 103.3 (3.3) of the Act currently sets out the rules under which an individual is deemed to have revoked his or her request to receive the Benefit as a single payment for a 12-month period. An amendment provides that an individual is deemed to have revoked his or her request on the day that he or she dies.

Currently, subsection 103.3 (4) of the Act sets out the rule relating to the appropriation of money required for the purposes of the portion of the Benefit attributable to the Northern Ontario energy credit. Amendments are made to relocate the rule to section 176 of the Act.

Subsection 103.6 (4) of the Act currently sets out rules that apply if two individuals are qualified relations but, because of medical necessity, are living separate and apart at the end of a base taxation year. Paragraph 1 of subsection 103.6 (4) permits those individuals to elect not to be qualified relations of each other for the purposes of Part IV.1. An amendment is made to provide that such an election only applies for the purposes of sections 103.9 to 103.12, subsections 103.13 (1) and (2) and section 103.14.

Subsection 103.10 (6) of the Act reduces the amount of a recipient's Ontario energy and property tax credit for a month if the sum of 12 times the credit for the month and the amount of the senior homeowners' property tax grant received for the base taxation year exceeds the occupancy cost for that year. An amendment specifies how the amount of the senior homeowners' property tax grant with respect to the base taxation year is determined.

Section 103.14 of the Act currently sets out a rule concerning the entitlement to the Ontario energy and property tax credit and the Northern Ontario energy credit in the event of the death of a recipient of one or both of those tax credits who has a qualified relation or a qualified dependant or the death of a qualified relation or a qualified dependant of such a recipient. An amendment provides that the rule applies in the event of the death of a recipient only if he or she has a qualified relation.

Reportable transactions

A new section 110.1 of the Act incorporates rules regarding reportable transactions that are set out in section 237.3 of the Federal Act. The new section requires taxpayers to disclose certain Ontario income tax avoidance transactions to the Federal Minister in the circumstances described in section 237.3 of the Federal Act.

Electronic notices

Section 156 of the Act currently sets out the presumption for determining the date on which certain notices or notifications are mailed. The section is amended to apply where notices or notifications are sent electronically.

New section 156.1 of the Act provides for a rule concerning when electronic notice is presumed to be sent by incorporating subsection 244 (14.1) of the Federal Act.

Section 157 of the Act currently provides for when an assessment or determination is deemed to be made. The section is amended to incorporate subsection 244 (15) of the Federal Act.

Miscellaneous

Section 102 of the Act currently provides for a political contribution tax credit for qualifying individuals. An amendment is made to one of the formulas used in determining an individual's tax credit for a taxation year.

Currently, subsection 103.1.1 (19) of the Act sets out the rule relating to the appropriation of money required for the purposes of the healthy homes renovation tax credit. Amendments are made to relocate the rule to section 176 of the Act.

schedule 30

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 new tax. New subsection 2 (11) of the Act creates an exception for any bill that receives First Reading in 2014 and that would amend subsection 3 (1) of the Taxation Act, 2007 to define the "middle tax rate" as 11.16 per cent, the "second-highest tax rate" as 12.16 per cent and the "second-lowest tax rate" as 9.15 per cent, and that would re-enact subsection 6 (1) with respect to the calculation of an individual's basic income tax for a taxation year ending after December 31, 2013.

Currently, subsections 2 (9) and (10) of the Act require the Minister, in certain circumstances, to provide a statement to the Assembly indicating when, in the Minister's opinion, it may be reasonable for one or more bills to be introduced that amend the Taxation Act, 2007 to reduce a corporation's basic rate of tax or to provide for the elimination of any tax rate increases described in paragraph 2 of subsection 2 (8). An amendment to subsection 2 (10) removes the requirement that the statement indicate when it may be reasonable for one or more bills to be introduced to provide for the elimination of any tax rate increases described in paragraph 2 of subsection 2 (8). A related amendment is made to subsection 2 (9).

schedule 31

Tobacco tax act

Section 2.2 of the Tobacco Tax Act currently imposes registration requirements with respect to raw leaf tobacco and provides for the issuance of registration certificates. Subsection 2.2 (6) is amended to provide that the Minister may specify information that must be filed with an application for a registration certificate. A new subsection 2.2 (6.1) provides that the Minister may require additional information that the Minister considers necessary in order to make a decision with respect to the application. Subsection 2.2 (11) currently provides that a person who is required to hold a registration certificate must give the Minister such information as may be prescribed and must do so in accordance with the prescribed requirements. That subsection is re-enacted to require registration certificate holders to give the Minister an information return as the Minister may require within the time period and in the form and manner as specified by the Minister.

Currently, under section 24, a person authorized by the Minister may stop and detain a vehicle and examine its contents if the authorized person has reasonable and probable grounds to believe that the vehicle contains evidence of a contravention of the Act. New subsection 24 (10.1) provides for the continued detention of a vehicle if the vehicle was used for the purposes of possessing or transporting tobacco in contravention of the Act and the tobacco exceeds a specified quantity. New subsection 24 (10.2) authorizes the impoundment of such a vehicle for seven days. New subsections 24 (10.3) to (10.13) provide various rules relating to the impoundment of the vehicle, including making it an offence to obstruct or interfere with a person authorized to detain a vehicle under subsection 24 (10.1).

Subsection 31 (1) of the Act currently imposes a penalty for the sale or delivery of a tobacco product in Ontario for resale without holding a subsisting wholesaler's permit. Amendments are made to the additional penalties that are calculated based on the type and quantity of tobacco product that is sold or delivered.

The fine under subsection 31 (2) of the Act for the sale or delivery of marked cigarettes or marked fine cut tobacco by a person without a wholesaler's permit is increased from \$8 to \$25 for each 200 cigarettes or 200 grams of marked fine cut tobacco. Similar amendments are made to subsection 35 (2) with respect to the fine for the purchase or receipt of marked cigarettes or marked fine cut tobacco for resale by a person without a wholesaler's permit and to subsection 35 (2.0.1) with respect to the fine for delivering, storing, transporting or possessing tobacco in bulk in Ontario that was acquired from or that is owned by a person who does not hold any of the specified registration certificates or permits.

Subsection 35 (4) of the Act currently imposes a penalty for purchasing a tobacco product for resale from a person who does not hold a wholesaler's permit or for storing, delivering, transporting or possessing a tobacco product that was acquired from or is owned by a person who does not hold a wholesaler's permit. Amendments are made to the additional penalties that are calculated based on the type and quantity of tobacco product that is purchased, stored, delivered, transported or possessed.

New section 36.3 of the Act allows the Crown to require that a proceeding in respect of an offence be presided over by a provincial judge.

schedule 32

trillium trust act, 2014

The Schedule enacts the Trillium Trust Act, 2014. The Act requires the Minister of Finance to establish the Trillium Trust in the Public Accounts.

Regulations made under the Act may designate an asset of a ministry or a public entity as a qualifying asset. When a qualifying asset is disposed of, the regulations may require that a portion of the net proceeds of disposition be credited to the Trillium Trust. Money credited to the trust is deemed to be money

paid to Ontario for the special purposes of funding costs incurred directly or indirectly in connection with constructing or acquiring infrastructure or other tangible capital assets.