

Legislative
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Bill 189

(Chapter 6 of the Statutes of Ontario, 2020)

An Act to amend various Acts to address the coronavirus (COVID-19)

The Hon. S. Lecce
Minister of Education

1st Reading	April 14, 2020
2nd Reading	April 14, 2020
3rd Reading	April 14, 2020
Royal Assent	April 14, 2020



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 189 and does not form part of the law.
Bill 189 has been enacted as Chapter 6 of the Statutes of Ontario, 2020.*

SCHEDULE 1 DEVELOPMENT CHARGES ACT, 1997

A new section 9.2 of the *Development Charges Act, 1997* provides that development charge by-laws that expired on or after March 17, 2020 and before the day the section comes into force are deemed to not have expired and shall remain in force until the earlier of the day the by-law is repealed and the specified date. The section also provides that development charge by-laws that expire on or after the day the section comes into force and before the specified date shall remain in force until the earlier of the day the by-law is repealed and the specified date. The specified date is defined as the date that is six months after the termination or disallowance of the emergency declared under the *Emergency Management and Civil Protection Act* on March 17, 2020.

SCHEDULE 2 EDUCATION ACT

The *Education Act* is amended to add a section addressing the expiry of education development charge by-laws during an emergency declared under the *Emergency Management and Civil Protection Act*.

The Act is also amended to address rules that apply when a pupil is suspended before a school closure but no decision about expulsion is made before the closure.

SCHEDULE 3 MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

The *Ministry of Training, Colleges and Universities Act* is amended to add provisions applicable during the "suspension period", which is defined as the period starting on March 30, 2020 and ending on September 30, 2020 or a later prescribed date.

The amendments provide that borrowers are not required to make payments toward student loans and medical resident loans that are payable during the suspension period, and that interest shall not accrue against a borrower during that period. Related amendments are made.

SCHEDULE 4 PLANNING ACT

The *Planning Act* is amended to authorize the Minister to make regulations in connection with an emergency declared under the *Emergency Management and Civil Protection Act*. The regulations may, among other things, govern the application of periods of time described in the Act and the regulations and in section 114 of the *City of Toronto Act, 2006* and provide that an order made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* does not apply, and in certain cases is deemed to have never applied, with respect to the Act or the regulations or section 114 of the *City of Toronto Act, 2006*. The regulations may, if they so provide, apply on a retroactive basis.

SCHEDULE 5 POLICE SERVICES ACT

The Schedule amends the *Police Services Act* to give the Solicitor General the power to make regulations prescribing a new date before which a municipal council must prepare and adopt its first community safety and well-being plan.

**SCHEDULE 4
PLANNING ACT**

1 The *Planning Act* is amended by adding the following section:

Regulations re periods of time during emergency

70.11 (1) The Minister may make regulations,

- (a) governing the application of periods of time described in provisions of this Act or the regulations or in section 114 of the *City of Toronto Act, 2006* during the period of an emergency declared under section 7.0.1 of the *Emergency Management and Civil Protection Act*, including,
 - (i) providing that the period of the emergency shall not be included for the purposes of counting a period of time,
 - (ii) providing that a period of time that ended on or after the day the emergency was declared and before the day a regulation made under this clause is filed is deemed not to have ended, and prescribing such rules as are necessary or advisable to address any issues that arise as a result of the period of time being deemed not to have ended, including,
 - (A) requiring or permitting any persons or public bodies to take certain steps or actions, or
 - (B) deeming an appeal of the failure or neglect of a municipal council or other decision-maker to make a decision or give notice of a decision within the period of time not to have been made;
- (b) providing that a by-law passed under a provision to which a regulation under clause (a) applies and that is in effect at the time an emergency is declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* is deemed to remain in effect for a specified period of time after the by-law would otherwise expire, which period of time shall not exceed the total number of days of the emergency;
- (c) providing that any order made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* on or after a regulation made under this clause is filed does not apply with respect to this Act or the regulations or section 114 of the *City of Toronto Act, 2006*;
- (d) providing that an order, or part of an order, made under subsection 7.1 (2) of the *Emergency Management and Civil Protection Act* before a regulation made under this clause is filed does not apply and is deemed to have never applied with respect to this Act or the regulations or section 114 of the *City of Toronto Act, 2006*, and prescribing such rules as are necessary or advisable to address any issues that arise as a result of the order, or part of the order, being deemed to have never applied, including requiring or permitting any persons or public bodies to take certain steps or actions.

Rules under subs. (1) (d)

(2) The rules set out in a regulation made under clause (1) (d) may provide that a provision of this Act or the regulations or section 114 of the *City of Toronto Act* applies with such modifications as may be specified.

Conflict with *Emergency Management and Civil Protection Act*

(3) A regulation made under this section may provide that it applies despite the *Emergency Management and Civil Protection Act* or any provision of that Act.

Retroactivity

(4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

Interpretation, period of an emergency

(5) For greater certainty, a reference in this section to the period of an emergency declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* shall be read as including any extension of the emergency under section 7.0.7 of that Act.

Conflict

(6) For greater certainty, in the event of a conflict between a regulation made under this section and a provision of this Act or of another regulation made under this Act, whether made by the Minister or the Lieutenant Governor in Council, or section 114 of the *City of Toronto Act, 2006*, the regulation made under this section prevails.

Commencement

2 This Schedule comes into force on the day the *Coronavirus (COVID-19) Support and Protection Act, 2020* receives Royal Assent.