

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO  
1 CHARLES III, 2023

# Bill 91

**An Act to enact two Acts, amend various Acts and revoke various regulations**

**The Hon. P. Gill**  
Minister of Red Tape Reduction

**Government Bill**

1st Reading      April 3, 2023  
2nd Reading  
3rd Reading  
Royal Assent





## EXPLANATORY NOTE

### **SCHEDULE 1 ART GALLERY OF ONTARIO ACT**

The Schedule amends the *Art Gallery of Ontario Act*. References to the Minister of Culture and Communications are removed and the word “Minister” is now defined as the Minister of Tourism, Culture and Sport or such other member of the Executive Council as may be assigned the administration of the Act under the *Executive Council Act*.

Subsection 4 (2) is amended so that trustees appointed under clause 4 (1) (d) no longer serve for a term of three years or until a successor is appointed, but instead at pleasure for a term of up to three years. Subsection 4 (5) is amended to remove the requirement that trustees appointed under clause 4 (1) (d) not be eligible for reappointment on the expiration of their second consecutive term until at least one year has elapsed from the expiration of the term.

The Schedule adds section 19 to the Act. Section 19 provides that no cause of action arises, and no proceeding may be instituted, against trustees of the Gallery in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

### **SCHEDULE 2 ARTS COUNCIL ACT**

The Schedule amends the *Arts Council Act*. Rather than a chair, vice-chair and 10 other members serving for a term of three years, the Council now consists of a chair, vice-chair and up to 10 other members serving at pleasure for up to three years.

The Schedule adds section 11.1 to the Act. Section 11.1 provides that no cause of action arises, and no proceeding may be instituted, against members of the Council in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

### **SCHEDULE 3 BUILDING BROADBAND FASTER ACT, 2021**

The *Building Broadband Faster Act, 2021* is amended to permit the Minister to make regulations restricting what a municipality may treat as a condition of a consent, permit or other approval or as a material deficiency or material issue for the purposes of section 10.1 of the Act.

The Act is also amended to permit the making of regulations changing the area within which a request for data access can be made from being within 10 metres of a designated broadband project to being within a prescribed area.

In addition, the definition of “proponent” in the Act is amended to clarify that it applies to broadband projects.

### **SCHEDULE 4 BUSINESS CORPORATIONS ACT**

The Schedule amends the *Business Corporations Act*. Here are some highlights:

1. Currently, various provisions of the Act enable persons or entities to inspect or examine specified records and, in some cases, to make copies or to make or take extracts. Amendments are made to permit the inspection or examination of the records remotely at any time by means of any technology and to permit the making of copies or making or taking of extracts by such means. (See subsections 5 (2.1.1) and (2.1.2), 100 (5), 144 (1.1), 145 (1.1) to (1.4) and 157 (3) and (4) of the Act).
2. Amendments are made to provide that meetings of shareholders or of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The articles or by-laws may limit the manner or manners by which such meetings may be held and may specify requirements that apply. A shareholders’ meeting held in such a manner must enable all persons entitled to attend the meeting to reasonably participate. A directors’ meeting held in such a manner must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously. (See subsections 94 (2) to (5) and 126 (13) to (17) of the Act).
3. Amendments are made to provide that a notice of a meeting of shareholders or of directors is not required to specify a place of the meeting if it is to be held entirely by one or more telephonic or electronic means. (See subsections 96 (1.1) and 126 (9.1) of the Act).
4. Amendments are made to provide that if a person may attend a meeting of shareholders or of directors by telephonic or electronic means, the notice must include instructions for attending and participating and, if applicable, voting by such means. (See subsections 96 (1.2), 117 (5) and 126 (9.2) of the Act).
5. Amendments are made to provide what must be announced at a meeting of shareholders that is adjourned for an aggregate of less than 30 days, if notice is not otherwise given. Amendments are also made to provide what must be announced at a meeting of directors that is adjourned, if notice is not otherwise given. (See subsections 96 (3) and 126 (11) of the Act).

6. Amendments are made to provide that, unless the by-laws expressly provide otherwise, a vote at a meeting of shareholders may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person. (See subsection 103 (2.1) of the Act).
7. An amendment is made to provide that where a record is required under the Act to be kept by a corporation, it may be kept in any form. The provision providing for the admissibility of records in evidence is also amended. (See subsections 139 (1) and (3) of the Act).
8. The Act currently provides that the auditor of a corporation is entitled to attend and be heard at meetings of the board of directors on matters relating to the auditor's duties. Amendments are made to provide that the auditor is also entitled to notice of such meetings. (See subsection 158 (5) of the Act).
9. The Minister is authorized to make regulations governing the inspection and examination of specified records and governing transitional matters. (See subsection 271.1 (1) of the Act).
10. Currently, Part XIX (Special Rules During Emergency) of the Act provides that certain provisions of the Act are temporarily suspended and that replacement provisions, set out in the Schedule to the Act, apply during the temporary suspension period. Part XIX and the Schedule are repealed. The regulation extending the temporary suspension period is also revoked.
11. Other technical amendments are made.

All of the above amendments come into force on October 1, 2023.

#### **SCHEDULE 5 CANNABIS LICENCE ACT, 2018**

The Schedule re-enacts section 17 of the *Cannabis Licence Act, 2018* to provide that a retail operator licence, cannabis retail manager licence or retail store authorization may be transferred between persons if the regulations permit such a transfer. The regulations may also specify requirements that must be met before the Registrar could approve a permitted transfer. Consequential amendments are made to the regulation-making authority in section 49.

Section 49 is also amended to add a power to make regulations authorizing and governing the sale, purchase or transfer of cannabis between holders of a retail store authorization in the prescribed circumstances.

#### **SCHEDULE 6 CENTENNIAL CENTRE OF SCIENCE AND TECHNOLOGY ACT**

The Schedule amends the *Centennial Centre of Science and Technology Act* by adding section 10. Section 10 provides that no cause of action arises, and no proceeding may be instituted, against trustees of the Centre in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

#### **SCHEDULE 7 CONDOMINIUM ACT, 1998**

The Schedule amends the *Condominium Act, 1998*. Here are some highlights:

1. Currently, "telephonic or electronic means" is defined for the purposes of subsection 52 (1) of the Act. The definition is amended and moved to subsection 1 (1) so that it applies for the purposes of the entire Act.
2. Amendments are made to the provision setting out the content requirements with respect to a notice of a meeting of directors. (See subsection 35 (3) of the Act).
3. Amendments are made to provide that meetings of directors or of owners may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The by-laws may limit the manner or manners by which such meetings may be held and may specify requirements that apply. A directors' meeting held in such a manner must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously. An owner's meeting held in such a manner must enable all persons entitled to attend the meeting to reasonably participate. (See subsections 35 (5) to (8) and 45 (6) to (9) of the Act).
4. An amendment is made to require a corporation's record of owners and mortgagees to also include any prescribed information. (See subsection 46.1 (3) of the Act).
5. Amendments are made to provisions concerning the sending of notices to owners and mortgagees by electronic communication. Provision is also made to authorize certain by-laws with respect to sending notices by that method. (See subsections 47 (4) to (6) of the Act).
6. Amendments are made to provide that a notice of a meeting of owners is not required to specify a place of the meeting if it is to be held entirely by one or more telephonic or electronic means. (See subsection 47 (7.1) of the Act).

7. Amendments are made to provide that, at a meeting of owners, a vote by a show of hands or by a recorded vote may be conducted entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The by-laws may limit the method or methods by which such a vote may be conducted and may specify requirements that apply. (See subsections 52 (1.1) and (1.1.1) of the Act).
  8. Certain amendments are made to the rules concerning what constitutes service of things other than notices that are required to be given to an owner or a mortgagee under the Act. (See section 54 of the Act).
  9. Amendments are made to the record-keeping requirements with respect to ballots and instruments appointing a proxy for meetings of owners. (See subsection 55 (1) of the Act).
  10. The Lieutenant Governor in Council is authorized to make regulations governing the giving of a notice under clause 47 (4) (c) or (5) (c) of the Act. Also, the Minister is authorized to make regulations governing transitional matters. (See subsections 177 (1) and (2) of the Act).
  11. Currently, Part IV.1 (Special Rules During Emergency) of the Act provides that certain provisions of the Act are temporarily suspended and that replacement provisions, set out in the Schedule to the Act, apply during the temporary suspension period. Part IV.1 and the Schedule are repealed. The regulation extending the temporary suspension period is also revoked.
  12. Other technical amendments are made.
- All of the above amendments come into force on October 1, 2023.

### **SCHEDULE 8 CO-OPERATIVE CORPORATIONS ACT**

The Schedule amends the *Co-operative Corporations Act*. Here are some highlights:

1. Currently, “telephonic or electronic means” is defined for the purposes of sections 74 and 76 of the Act. The definition is amended and moved to subsection 1 (1) so that it applies for the purposes of the entire Act.
2. Currently, various provisions of the Act enable certain persons or entities to inspect or examine specified records and, in some cases, to make extracts. Amendments are made to permit the inspection or examination of the records remotely at any time by means of any technology and to permit the making of extracts by such means. (See subsections 37 (3), 118 (1.1), 119 (1.1) and (1.2) and 135 (4) of the Act).
3. Amendments are made to provide that meetings of the members of a co-operative or of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The articles or by-laws may limit the manner or manners by which such meetings may be held and may specify requirements that apply. A members’ meeting held in such a manner must enable all persons entitled to attend the meeting to reasonably participate. A directors’ meeting held in such a manner must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously. (See subsection 74 (3) to (7) and 94 (3) to (7) of the Act).
4. Amendments are made to provide that a notice of a meeting of members or of directors is not required to specify a place of the meeting if it is to be held entirely by one or more telephonic or electronic means. (See subsections 75 (2.0.1) and 95 (3) of the Act).
5. Amendments are made to provide that if a person may attend a meeting of members or of directors by telephonic or electronic means, the notice must include instructions for attending and participating and, if applicable, voting by such means. (See subsections 75 (2.0.2) and 95 (4) of the Act).
6. Currently, the Act provides that members of a co-operative shall vote in person, however the by-laws of a co-operative, other than a non-profit housing co-operative, may provide for voting by mail or by telephonic or electronic means. The subsections are repealed and replaced. Amendments are made to provide that, subject to the articles or by-laws of a co-operative, voting at a meeting of members must be by show of hands unless a poll is demanded. Unless the articles or by-laws of a co-operative provide otherwise, a vote cast before or at a meeting may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person. The methods of voting that may be permitted by the by-laws of a co-operative are set out. (See subsections 76 (4) to (8) of the Act).
7. The requirement that directors must be elected by ballot is removed. (See subsection 90 (1) of the Act).
8. A new provision sets out rules respecting the waiver of notice of a meeting of directors. (See subsection 95 (5) of the Act).
9. New rules are added with respect to written resolutions. A written resolution, signed by all directors of a co-operative entitled to vote on that resolution, is as valid as if it had been passed at a meeting of the board of directors or of the executive committee. Certain exceptions are provided. A copy of the resolution must be kept with the minutes of

proceedings. Provision is made respecting the proof of a resolution entered in the minutes of a meeting of directors. (See section 95.2 of the Act).

10. An amendment is made to provide that where a record is required to be kept under the Act by a co-operative, it may be kept in any form. (See subsection 113 (1) of the Act).
  11. Amendments are made to require the register of members and security holders to include their email addresses, if one is provided. (See section 114 of the Act).
  12. Amendments are made to provide that the auditor of a co-operative is entitled to receive notice of every meeting of the audit committee and of the board of directors on matters relating to the auditor's duties. The amendments also provide that attendance at either kind of meeting is at the expense of the co-operative. (See subsections 138 (4) and (6) of the Act).
  13. Amendments are made with respect to the notice requirements that apply when the termination of a member's membership and occupancy rights will be considered at a meeting of the board of directors. (See subsection 171.8 (2) of the Act).
  14. The Minister is authorized to make regulations governing the inspection and examination of specified records and governing transitional matters. (See subsection 186 (2.1) of the Act).
  15. Currently, sections 188 to 190 of the Act provide that certain provisions of the Act are temporarily suspended and that replacement provisions, set out in the Schedule to the Act, apply during the temporary suspension period. Those sections and the Schedule are repealed. The regulation extending the temporary suspension period is also revoked.
  16. Other technical amendments are made.
- All of the above amendments come into force on October 1, 2023.

#### **SCHEDULE 9 CORPORATIONS ACT**

The Schedule amends the *Corporations Act*. Here are some highlights:

1. Technical amendments are made with respect to the place of meetings of shareholders and of the board of directors. (See subsections 82 (1) and (2) of the Act).
2. Amendments are made to provide that a notice of a meeting of shareholders is not required to specify a place of the meeting if it is to be held entirely by one or more telephonic or electronic means. (See subsections 93 (3) and 283.1 (2) of the Act).
3. Amendments are made to provide that if a person may attend a meeting of shareholders or of directors by telephonic or electronic means, the notice must include instructions for attending and participating and, if applicable, voting by such means. (See subsections 93 (4) and 283.1 (3) of the Act).
4. Currently, various provisions of the Act enable certain persons or entities to inspect specified records and in some cases to make extracts. Amendments are made to permit the inspection of the records remotely at any time by means of any technology and to permit the making of extracts by such means. (See subsections 105 (3), 304 (1.1) and 305 (1.1) of the Act).
5. Various amendments are made in relation to boards of mutual or cash-mutual insurance corporations. The board must be made up of no fewer than six and no more than 15 directors. The provisions that currently govern the retirement and election of directors are repealed. New rules that govern the terms of directors in different circumstances are set out. (See sections 165, 167 and 168 of the Act).
6. A new provision is added respecting the waiver of notice of a meeting of directors. (See subsection 283.1 (4) of the Act).
7. A new provision provides what must be announced at a meeting of directors that is adjourned, if notice is not otherwise given. (See subsection 283.1 (5) of the Act).
8. Amendments are made to provide that meetings of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The letters patent, supplementary letters patent or by-laws may limit the manner or manners by which such meetings may be held and may specify requirements that apply. Such meetings must provide that all persons entitled to attend the meeting are able to communicate with each other simultaneously and instantaneously. (See subsections 283.1 (6) to (9) of the Act).
9. Amendments are made to provide that, unless the letters patent, supplementary letters patent or by-laws expressly provide otherwise, a vote at an election of directors may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person. (See subsections 171 (8) and 287 (3.1) of the Act).

10. Amendments are made to set out rules concerning meetings of shareholders or members. Meetings may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The letters patent, supplementary letters patent or by-laws may limit the manner or manners by which such meetings may be held and may specify requirements that apply. Such meetings must enable all persons entitled to attend the meeting to reasonably participate. Rules concerning the manner of voting at meetings are provided including that, unless the letters patent, supplementary letters patent or by-laws expressly provide otherwise, a vote may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person. (See sections 294.1 and 294.2 of the Act).
11. An amendment is made to provide that all records, documents and registers required by the Act or the regulations to be prepared and maintained by a corporation may be kept in any form, provided that they are capable of being reproduced in an accurate and intelligible form within a reasonable time. (See section 298.1 of the Act).
12. Amendments are made with respect to the giving or sending of a notice or other document to a shareholder or member or director of a corporation, other than by the Minister, or to a corporation. Provision is also made with respect to the waiver of a notice or other document required to be given or sent, or to the waiver or abridgement of the time for giving or sending the notice or other document. (See subsections 324 (1) and (1.1) and sections 324.1 and 324.2 of the Act).
13. The Minister is authorized to make regulations governing the inspection of specified records and governing transitional matters. (See subsection 326.1 (1) of the Act).
14. Currently, Part VIII (Special Rules During Emergency) provide that certain provisions of the Act are temporarily suspended and that replacement provisions, set out in Schedule 2 to the Act, apply during the temporary suspension period. Part VIII and Schedule 2 are repealed. The regulation extending the temporary suspension period is also revoked.
15. Other technical amendments are made.

All of the above amendments come into force on October 1, 2023, other than those described in paragraph 5, which come into force on Royal Assent.

#### **SCHEDULE 10 CORPORATIONS INFORMATION ACT**

Currently, subsections 5 (2) and (3) of the *Corporations Information Act* enables certain persons or entities to examine specified records and to make copies or take extracts. A new subsection 5 (4) permits the examination of the records remotely at any time by means of any technology and permits the making of copies and taking of extracts by such means. Subsection 21.1 (1) is amended to authorize the Minister to make regulations governing the examination of records under section 5.

The amendments come into force on October 1, 2023.

#### **SCHEDULE 11 COURTS OF JUSTICE ACT**

The Schedule repeals subsection 89 (9) of the *Courts of Justice Act*, which requires the Auditor General to examine and report on the accounts and financial transactions of the Children's Lawyer.

#### **SCHEDULE 12 CREDITORS' RELIEF ACT, 2010**

The Schedule amends subsection 11 (3) of the *Creditors' Relief Act, 2010* to permit the sheriff to serve a schedule of proposed distribution on a person by e-mail or any other electronic means.

#### **SCHEDULE 13 EXECUTION ACT**

The Schedule amends subsection 2 (3) of the *Execution Act*, which correlates to subsection 2 (2) of the Act, so that references to the value of a debtor's equity in their principal residence in the two subsections are made consistently. Complementary amendments are made to subsections 35 (1) and (3) respecting a related regulation-making authority.

#### **SCHEDULE 14 FISH AND WILDLIFE CONSERVATION ACT, 1997**

The Schedule repeals and re-enacts section 35 of the *Fish and Wildlife Conservation Act, 1997* to provide for new rules regulating the issuance of licences with respect to new and existing train and trial areas. Administrative amendments are also made to the Act. They include amendments relating to offences for trespassing to hunt and fish, updates on the prohibition against making false or misleading statements as well as updates to court orders under section 104 of the Act.

#### **SCHEDULE 15 HIGHWAY TRAFFIC ACT**

A prohibition against overtaking a snow plow is added to the *Highway Traffic Act*.

**SCHEDULE 16**  
**INTERNATIONAL RECOVERY OF CHILD SUPPORT**  
**AND FAMILY MAINTENANCE CONVENTION ACT, 2023**

The Schedule enacts the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*, which implements the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance in Ontario. The Convention is appended as a Schedule to the Act. The Act addresses various procedural matters respecting proceedings under the Convention, including providing that, subject to specified exceptions and modifications, certain proceedings under the Convention shall be subject to the procedures that apply to corresponding proceedings brought under the *Interjurisdictional Support Orders Act, 2002*.

Complementary amendments are made to the *Courts of Justice Act*, the *Family Law Act*, the *Family Responsibility and Support Arrears Enforcement Act, 1996* and the *Interjurisdictional Support Orders Act, 2002*.

**SCHEDULE 17**  
**LIMITED PARTNERSHIPS ACT**

The Schedule amends the *Limited Partnerships Act*. Here are some highlights:

1. Amendments are made to provide that the record of limited partners may be maintained in any form provided that the record is capable of being reproduced in an accurate and intelligible form within a reasonable time. (See subsections 4 (1.1) and 26 (1.1) of the Act).
2. Currently, various provisions of the Act enable persons or entities to inspect specified records and, in some cases, to make copies or take extracts. Amendments are made to permit the inspection of the records remotely at any time by means of any technology and to permit the making of copies or extracts by such means. (See subsections 4 (3.1) and (3.2), 10 (2), 25 (6.0.0.1) and (6.0.0.2), 26 (4.1) and 33 (5) of the Act).
3. The Minister is authorized to make regulations governing the inspection of specified records. (See subsection 35.1 (1) of the Act).

All of the above amendments come into force on October 1, 2023.

**SCHEDULE 18**  
**MCMICHAEL CANADIAN ART COLLECTION ACT**

The Schedule amends the *McMichael Canadian Art Collection Act* by adding section 15. Section 15 provides that no cause of action arises, and no proceeding may be instituted, against trustees of the Corporation in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

**SCHEDULE 19**  
**METROPOLITAN TORONTO CONVENTION CENTRE CORPORATION ACT**

The Schedule amends the *Metropolitan Toronto Convention Centre Corporation Act*. Subsection 2 (4) is repealed and replaced. Members appointed under clause 2 (3) (a) now hold office for a term not exceeding three years, rather than for a term not exceeding three years and until their successor is appointed.

Subsection 3 (2) is amended so that the Lieutenant Governor in Council is no longer required to appoint one of the directors as president and chief executive officer of the Corporation. Section 8 is amended by adding subsections (3) and (4). These subsections provide that the Board shall appoint a chief executive officer who is responsible for the management and administration of the affairs of the Corporation, subject to the supervision and direction of the Board. The chief executive officer shall not be a member of the Board.

**SCHEDULE 20**  
**MOTOR VEHICLE ACCIDENT CLAIMS ACT**

The Schedule amends section 2 of the *Motor Vehicle Accident Claims Act* to provide that the Motor Vehicle Accident Claims Fund must be reported as an account in the Public Accounts. New subsection 2 (1.2) specifies amounts that must be recorded in the Fund. Other amendments are made to section 2 respecting, among other things, amounts that may be charged to the Fund and paid out of the Consolidated Revenue Fund, the subsidization of the Fund and interest credited to the Fund. These amendments come into force on a day to be named by proclamation. The Schedule also makes technical amendments to the French version of the Act.

**SCHEDULE 21**  
**NIAGARA PARKS ACT**

The Schedule amends the *Niagara Parks Act*. Subsection 3 (2) of the Act is repealed and replaced. The old subsection 3 (2) provided that four members of the Commission be members of the councils of the Regional Municipality of Niagara, the Town of Fort Erie, the City of Niagara Falls and the Town of Niagara-on-the-Lake and be appointed annually by the Lieutenant



Governor in Council upon the recommendation of the respective councils. The new subsection 3 (2) provides that those councils each appoint one member by resolution.

Section 7 of the Act is also repealed and replaced. The Commission may now dispose of an interest in land by the grant of an easement without the approval of the Lieutenant Governor in Council.

The Schedule adds section 25 to the Act. Section 25 provides that no cause of action arises, and no proceeding may be instituted, against members of the Commission in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

## **SCHEDULE 22 NOT-FOR-PROFIT CORPORATIONS ACT, 2010**

The Schedule amends the *Not-for-Profit Corporations Act, 2010*. Here are some highlights:

1. Amendments are made to provide that a notice of a meeting of directors or of the members is not required to specify a place of the meeting if it is to be held entirely by one or more telephonic or electronic means. (See subsections 34 (3.1) and 55 (1.1) of the Act).
2. Amendments are made to provide that if a person may attend a meeting of directors or of the members by telephonic or electronic means, the notice must include instructions for attending and participating and, if applicable, voting by such means. (See subsections 32 (5), 34 (3.2) and 55 (1.2) of the Act).
3. Currently, various provisions of the Act enable certain persons or entities to inspect or examine specified records and to make copies or take or be provided with extracts. Amendments are made to permit the inspection or examination of the records remotely at any time by means of any technology and to permit the making of copies or taking or providing of extracts by such means. (See subsections 94 (3) and (4), 95 (1.1) and (1.2), 96 (1.1), 97 (2.1) and (2.2) and 98 (2.1) and (2.2) of the Act).
4. Amendments are made to provide what must be announced at a meeting of directors that is adjourned, if notice is not otherwise given. Amendments are also made to provide what must be announced at a meeting of the members that is adjourned for an aggregate of less than 30 days, if notice is not otherwise given. (See subsections 34 (5) and 55 (5) of the Act).
5. Amendments are made to provide that meetings of directors or of the members may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means. The articles or by-laws may limit the manner or manners by which such meetings may be held and may specify requirements that apply. A members' meeting held in such a manner must enable all persons entitled to attend the meeting to reasonably participate. A directors' meeting held in such a manner must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously. (See subsections 34 (6) to (10) and 53 (4) to (8) of the Act).
6. The amendments set out rules concerning the manner of voting at meetings of members, including that, unless the articles or by-laws expressly provide otherwise, a vote may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person. (See section 58 of the Act).
7. Amendments are made to provide that all registers and other records required by the Act or the regulations to be prepared and maintained by a corporation may be in any form, provided that they are capable of being reproduced in an accurate and intelligible form within a reasonable time. (See subsection 100 (1) of the Act).
8. The Minister is authorized to make regulations governing inspections and examinations of specified records and governing transitional matters. (See subsection 208 (1) of the Act).
9. Currently, Part XVI (Special Rules During Temporary Suspension Period) provide that certain provisions of the Act are temporarily suspended and that replacement provisions, set out in Schedule 1 to the Act, apply during the temporary suspension period. Part XVII (Temporary Suspension Period — Transition) authorizes the Minister to make regulations providing for transitional matters in connection with the application of Schedule 1. Both Parts and the Schedule are repealed. The regulation extending the temporary suspension period is also revoked.
10. Other technical amendments are made.

All of the above amendments come into force on October 1, 2023.

## **SCHEDULE 23 OIL, GAS AND SALT RESOURCES ACT**

The *Oil, Gas and Salt Resources Act* is amended to provide for special projects as follows:

1. Section 11.1 provides for the issue, by the Minister, of a designation of a project as a special project.

2. Section 11.2 sets out requirements that must be met for a project to be designated as a special project, including that the purpose of the project must be to test, assess, pilot or demonstrate a technology, method or activity that is new or innovative to Ontario and that the project must use a well.
3. Section 11.3 sets out requirements relating to a request for a designation.
4. Section 11.4 enables the Minister to make exemptions from requirements under the Act or the regulations. Other requirements can be substituted.
5. Section 11.5 prohibits the use of a well for a special project unless the use is expressly allowed by a licence or permit.
6. Section 11.6 provides for wells that formed part of a special project to continue to be wells for the purposes of the Act after the end of the term of a designation. A similar provision is made for works if prescribed conditions are met.
7. Subsection 17 (2.2) enables the Minister to make regulations relating to special projects.

Other changes to the Act include the following:

1. Section 7.0.1.1 is enacted to enable an inspector to order certain preventative measures if the inspector has reasonable grounds to believe that a work is about to become a hazard. An amendment to section 7.0.2 (1) provides for such orders to be appealable. Amendments are made to subsection 17 (2) to provide for related regulations.
2. Section 7.0.1.2 is enacted to allow inspectors to affix tags if specified orders are made that a work not be used. The current subsections 7 (3) to (5), which provide for tagging but only for orders given under section 7, are repealed. If a tag is affixed to a work, no person may use the work.
3. Section 13.1 is enacted to allow the Minister, in making certain decisions, to consider convictions or failures to comply with the Act, regulations or orders.
4. Subsections 14 (1) and (2), which apply if an act or failure to act by the holder of the licence or permit is an offence under section 19, are replaced. The new subsections will continue to provide for the suspension or cancellation of a licence or permit but will no longer apply with respect to a refusal to grant a licence or permit.
5. Section 19 is amended to provide for additional orders a court may make when a person is convicted of an offence, including orders to take actions to deal with damage resulting from the commission of the offence and orders to pay certain costs.

#### **SCHEDULE 24 ONTARIO ENERGY BOARD ACT, 1998**

The Schedule amends the *Ontario Energy Board Act, 1998* in respect of amounts that the Board is required to exclude when approving or fixing just and reasonable rates for the sale, transmission or distribution of gas and for the transmission or distribution of electricity:

1. Subsection 36 (3.1) of the Act, which excludes certain amounts payable by gas transmitters and gas distributors under the *Building Transit Faster Act, 2020*, is re-enacted to provide that the amounts that must be excluded are any penalties and fines payable by a gas transmitter or gas distributor under an Act, subject to the regulations providing otherwise, and any other amounts payable by a gas transmitter or gas distributor that may be specified by the regulations. Corresponding amendments are made to the related regulation-making authorities in section 127.
2. Subsections 78 (5) and (5.0.0.1) of the Act, which exclude certain amounts payable by transmitters and distributors under the *Building Transit Faster Act, 2020* and the *Building Broadband Faster Act, 2021* respectively, are replaced by a new subsection (5). The new subsection provides that the amounts that must be excluded are any penalties and fines payable by a transmitter or distributor under an Act, subject to the regulations providing otherwise, and any other amounts payable by a transmitter or distributor that may be specified by the regulations. Corresponding amendments are made to the related regulation-making authorities in section 88.

The Schedule also amends the Act to give the Ontario Energy Board authority to make orders exempting persons from having to be licensed in respect of specified activities under the Act, so that the person can participate in a pilot or demonstration project. The project must be one that the Board determines is in furtherance of its objective to facilitate innovation in the electricity sector under paragraph 4 of subsection 1 (1) of the Act, and that meets any other requirements that the regulations made under the Act may specify. The order-making power itself may be subject to conditions or restrictions set out by the regulations. Under section 107 of the Act, an inspector may require the exempted person and any of their affiliates, agents or employees to provide documents, records or information relating to the activities to which the exemption applies for inspection.

#### **SCHEDULE 25 OTTAWA CONVENTION CENTRE CORPORATION ACT**

The Schedule amends the *Ottawa Convention Centre Corporation Act*. Subsection 2 (5) is repealed and replaced. Members appointed under clause 2 (3) (a) now hold office for a term not exceeding three years, rather than for a term not exceeding three years and until their successor is appointed.

**SCHEDULE 26  
PARTNERSHIPS ACT**

Currently, section 24 of the *Partnerships Act* enables partners to inspect and make copies of the partnership books. A new subsection 24 (2) permits, subject to any agreement express or implied between the partners, the inspection of the books remotely at any time by means of any technology and to permit the making of copies by such means. The Minister is authorized to make regulations governing the inspection of the partnership books.

The amendments come into force on October 1, 2023.

**SCHEDULE 27  
PENSION BENEFITS ACT**

Currently, subsection 30.1 (4) of the *Pension Benefits Act* requires the administrator of a pension plan to send notices to retired members reminding them that they may request non-electronic written communications from the administrator. The Schedule repeals subsection 30.1 (4) of the Act and makes consequential changes.

**SCHEDULE 28  
PERSONAL PROPERTY SECURITY ACT**

Currently, subsection 18 (3) of the *Personal Property Security Act* enables persons entitled to receive a true copy of a security agreement, or the person's authorized representative, to inspect the agreement or a true copy of it. A new subsection 18 (3.1) permits the inspection of the security agreement or a true copy of it remotely at any time by means of any technology. The Minister is authorized to make regulations governing the inspection of security agreements.

The amendments come into force on October 1, 2023.

**SCHEDULE 29  
PRIVATE CAREER COLLEGES ACT, 2005**

The *Private Career Colleges Act, 2005* is amended to change the name of the Act to the *Ontario Career Colleges Act, 2005*, to change the term "private career college" to "career college" and to make related and consequential amendments to the Act and to other Acts.

Sections 42, 43 and 44 of the Act currently provide for the collection of administrative penalties owing under the Act. These sections are repealed and replaced with a new section authorizing the Minister of Finance to take measures described in the *Ministry of Revenue Act* to enforce the collection of administrative penalties.

Section 57 of the Act is re-enacted to require the Superintendent to conduct a review of the Act every five years.

**SCHEDULE 30  
PROTECTING FARMERS FROM NON-PAYMENT ACT  
(REGULATING AGRICULTURAL PRODUCT DEALERS AND STORAGE OPERATORS), 2023**

The Schedule repeals the *Farm Products Payments Act*, the *Grains Act* and the *Livestock and Livestock Products Act* and replaces those Acts with the *Protecting Farmers from Non-Payment Act (Regulating Agricultural Product Dealers and Storage Operators), 2023*. The new Act governs dealers and storage operators of agricultural products that have been designated for the purposes of the Act. The new Act is divided into 14 parts.

Part I of the Act sets out the application and interpretation provisions.

Part II of the Act provides the Minister with authority to designate agricultural products as a designated product with respect to which different parts of the Act apply.

Part III of the Act sets out provisions respecting administration of the Act.

Part IV of the Act governs dealers of agricultural products that are designated as Part IV designated products.

Part V of the Act governs storage operators who store agricultural products that are designated as Part V designated products.

Part VI of the Act provides for the establishment of trusts in relation to agricultural products that are designated as Part VI designated products and sets out the rules relating to such trusts.

Part VII of the Act provides for the establishment of funds and boards for agricultural products that are designated as Part VII designated products. This part also governs the administration of funds and sets out the rules relating to claims made against funds.

Part VIII of the Act establishes the rules related to licensing of dealers and storage operators.

Part IX of the Act provides for the designation of inspectors and provides the rules respecting inspections. This Part also provides for various enforcement measures including compliance orders, orders related to stored designated products, freeze orders and administrative penalties.

Part X of the Act allows the Minister to designate delegated authorities to administer one or more provisions of this Act and provides the rules respecting delegated authorities.

Part XI of the Act sets out offences and penalties under the Act.

Part XII of the Act provides regulation-making powers to the Minister.

Part XIII of the Act sets out transitional provisions relating to the replacement of the *Farm Products Payments Act*, the *Grains Act* and the *Livestock and Livestock Products Act* with the new Act.

Part XIV of the Act provides for the repeal of certain Acts.

### **SCHEDULE 31 ROYAL ONTARIO MUSEUM ACT**

The Schedule amends the *Royal Ontario Museum Act*. Section 4 is amended so that the Director of the Museum is no longer, by virtue of office, a trustee of the Museum. Four trustees are now elected by members of the Museum, rather than three. Trustees appointed by the Lieutenant Governor in Council now hold office at pleasure for a term of up to three years. The requirement that one year elapse before trustees are eligible to serve a third term has been repealed.

The Schedule adds section 17. Section 17 provides that no cause of action arises, and no proceeding may be instituted, against trustees of the Museum in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

### **SCHEDULE 32 SCIENCE NORTH ACT**

The Schedule amends the *Science North Act*. Subsection 4 (1) is amended so that instead of at least 15 trustees appointed by the Lieutenant Governor in Council for a term of three years, there are up to 15 trustees appointed by the Lieutenant Governor in Council, each to hold office at pleasure for a term of up to three years.

The Schedule also adds section 15 to the Act. Section 15 provides that no cause of action arises, and no proceeding may be instituted, against trustees of the Centre in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

### **SCHEDULE 33 SERVICES AND SUPPORTS TO PROMOTE THE SOCIAL INCLUSION OF PERSONS WITH DEVELOPMENTAL DISABILITIES ACT, 2008**

Currently, certain provisions of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* are set to come into force on July 1, 2023. The Schedule re-enacts those provisions. The provisions, as re-enacted, are to come into force on a day to be named by proclamation of the Lieutenant Governor. In addition, clause 38 (q) of the Act is re-enacted and a new section 38.1 is added. These provisions provide the Lieutenant Governor in Council with regulation-making authority respecting transitional matters, including transitional matters to permit the gradual implementation of the re-enacted provisions.

### **SCHEDULE 34 ST. LAWRENCE PARKS COMMISSION ACT**

The Schedule amends the *St. Lawrence Parks Commission Act* by adding section 18.2. Section 18.2 provides that no cause of action arises, and no proceeding may be instituted, against members of the Commission in relation to any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties.

### **SCHEDULE 35 SUBSTITUTE DECISIONS ACT, 1992**

Currently, sections 31.1 and 59.1 of the *Substitute Decisions Act, 1992* deal with access to an incapable person's personal information by their guardian of property or guardian of the person, respectively. The Schedule amends sections 38 and 67 of the Act to extend the application of section 31.1 to an attorney acting under a continuing power of attorney and the application of section 59.1 to an attorney acting under a power of attorney for personal care if there has been a finding of incapacity.

### **SCHEDULE 36 TOWING AND STORAGE SAFETY AND ENFORCEMENT ACT, 2021**

The Schedule makes various amendments to the *Towing and Storage Safety and Enforcement Act, 2021*. Here are some highlights:

1. References to "tow driver's certificate" are changed to "tow driver certificate" throughout the Act.
2. The element of cleaning debris from collisions on a highway is removed from the definition of "towing services".

3. The terminology of a certificate being revoked is changed throughout the Act to a certificate being cancelled.
4. Various provisions are amended to replace references to “certificate holders” to tow truck drivers, tow operators or vehicle storage operators, as the case may be.
5. Subsection 18 (3) of the Act is amended to remove the obligation to report collisions to the Director and to only require such reporting on the request of the Director.
6. Section 23 of the Act is amended to provide that a vehicle storage operator will only have to obtain consent with respect to the provision of vehicle storage services in prescribed circumstances.
7. Section 26 of the Act is amended to provide that estimates are only required to be given to a person if the requirement is set out in the regulations.
8. Section 28 of the Act is amended to require operators to submit to the Director amounts to be charged for each towing service and vehicle storage service. Charging more than a submitted amount is prohibited. The Director may require resubmission of a lower amount if they are of the opinion that a submitted amount is unreasonably high. Authority is also given to the Minister to make regulations to, among other things, prescribe maximum amounts that may be charged.
9. Currently section 37 allows the Director to make written requests to certificate holders regarding any complaints received and to impose sanctions on certificate holders who have contravened or failed to comply with the Act. Section 37 is amended to allow the Director to make such requests and impose such sanctions on any person.
10. A regulation-making authority is added to allow parts of the Act and the regulations to apply to vehicles which are not motor vehicles.

**SCHEDULE 37**  
**TRUSTEE ACT**

The Schedule amends section 27.2 of the *Trustee Act* to provide that a restriction on the power of an agent who is authorized to exercise a trustee’s functions relating to investment of trust property to delegate those functions to another person does not prevent the agent from investing in mutual funds, pooled funds or segregated funds under variable insurance contracts. An unrelated correction is made to the French version of the Act.



**An Act to enact two Acts, amend various Acts and revoke various regulations**

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His 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) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.**

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

**(3) If a Schedule to this Act provides that any of its 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 *Less Red Tape, Stronger Economy Act, 2023*.**



**SCHEDULE 1  
ART GALLERY OF ONTARIO ACT**

**1 Section 1 of the *Art Gallery of Ontario Act* is amended by adding the following definition:**

“Minister” means the Minister of Tourism, Culture and Sport or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*. (ministre)

**2 (1) Subsection 4 (2) of the Act is amended by striking out “for a term of three years or until a successor is appointed” and substituting “at pleasure for a term of up to three years”.**

**(2) Subsection 4 (5) of the Act is amended by striking out “but no trustee appointed under clause (1) (d) is eligible for reappointment on the expiration of his or her second consecutive term until at least one year has elapsed from the expiration of such term.”**

**3 (1) Subsection 16 (1) of the Act is amended by striking out “of Culture and Communications”.**

**(2) Subsection 16 (2) of the Act is amended by striking out “of Culture and Communications shall submit the annual report to the Lieutenant Governor in Council and shall then lay such report” and substituting “shall lay the annual report”.**

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

**Immunity of trustees**

**19 (1)** No cause of action arises against a trustee of the Gallery as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

**(2)** No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a trustee of the Gallery by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Gallery preserved**

**(3)** Subsections (1) and (2) do not relieve the Gallery of any liability to which it would otherwise be subject.

**Commencement**

**5 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 2  
ARTS COUNCIL ACT**

**1** Section 2 of the *Arts Council Act* is amended by striking out “ten other members” and substituting “up to ten other members”.

**2** Section 3 of the Act is amended by striking out “for a term of three years” and substituting “at pleasure for a term of up to three years”.

**3** The Act is amended by adding the following section:

**Immunity of members**

**11.1** (1) No cause of action arises against a member of the Council as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a member of the Council by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Council preserved**

(3) Subsections (1) and (2) do not relieve the Council of any liability to which it would otherwise be subject.

**Commencement**

**4** This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

**SCHEDULE 3  
BUILDING BROADBAND FASTER ACT, 2021**

**1** The definition of “proponent” in section 2 of the *Building Broadband Faster Act, 2021* is amended by striking out “project” and substituting “broadband project”.

**2** (1) Subsection 10.1 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:

**Possible action**

(3) A responsible municipality that receives an application under subsection (1) shall review the application and, subject to the regulations, if any,

(2) Subsection 10.1 (6) of the Act is amended by striking out “Where” at the beginning and substituting “Subject to the regulations, if any, where”.

**3** Subsection 20.1 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

**Sharing of data**

(1) Any of the following persons or entities that receives a request from the Minister for data concerning utility infrastructure that the person or entity owns or operates that is within 10 metres of a designated broadband project, or, if a different geographic area has been prescribed that is applicable to the project, within that prescribed geographic area, shall disclose the requested data in the form required by the Minister within 15 business days of receiving the request:

**4** Subsection 27 (2) of the Act is amended by adding the following clause:

- (c.1) governing the application of section 10.1, including, without restricting the generality of the foregoing, prescribing limits, restrictions, exceptions, qualifications or conditions with respect to what a municipality may treat as a condition of the applicable consent, permit or other approval or as a material deficiency or material issue for the purposes of that section;

**Commencement**

**5** This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

**SCHEDULE 4  
BUSINESS CORPORATIONS ACT**

**1 The English version of the definition of “telephonic or electronic means” in subsection 1 (1) of the *Business Corporations Act* is amended by striking out “computers” and substituting “computer”.**

**2 Section 5 of the Act is amended by adding the following subsections:**

**Same, inspection by remote means**

(2.1.1) The corporation may, but is not required to, permit a director, shareholder or creditor to inspect a consent mentioned in subsection (2) remotely at any time by means of any technology and may also permit the person to make a copy by such means.

**Same, no charge for inspection, copies**

(2.1.2) If the corporation permits a director, shareholder or creditor to inspect a consent or make copies in accordance with subsection (2.1.1), the corporation shall not charge the person for the inspection or the copies.

**3 Subsection 94 (2) of the Act is repealed and the following substituted:**

**Meeting by telephonic or electronic means**

(2) Subject to the articles or by-laws and subsection (4), a meeting of shareholders may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, articles, etc.**

(3) In addition to any other matters that the articles or by-laws may provide for with respect to the holding of meetings of shareholders in accordance with subsection (2), the articles or by-laws may,

- (a) limit the manner or manners by which a meeting of shareholders may be held in accordance with subsection (2); and
- (b) specify requirements that apply with respect to the holding of a meeting of shareholders in a manner described in subsection (2) or in such manner as described by the articles or by-laws made under clause (a).

**Same, reasonable participation**

(4) A meeting of shareholders held in any manner described in subsection (2) or in such manner as described by the articles or by-laws made under subsection (3) must enable all persons entitled to attend the meeting to reasonably participate.

**Same, persons deemed present at meeting**

(5) A person who, through telephonic or electronic means, votes at or attends a meeting of shareholders is deemed for the purposes of this Act to be present in person at the meeting.

**4 (1) Section 96 of the Act is amended by adding the following subsections:**

**When notice is not required to specify place of meeting**

(1.1) Despite subsection (1), a notice of a meeting of shareholders is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(1.2) If a person may attend a meeting of shareholders by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**(2) Subsection 96 (3) of the Act is repealed and the following substituted:**

**Adjourned meeting**

(3) If a meeting of shareholders is adjourned by one or more adjournments for an aggregate of less than 30 days, it is not necessary, unless the by-laws otherwise provide, to give notice of the adjourned meeting other than by announcement of all of the following at the time of an adjournment:

1. The time of the continued meeting.
2. If applicable, the place of the continued meeting.
3. If applicable, instructions for attending and participating in the continued meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**(3) Section 96 of the Act is amended by adding the following subsection:**

## **Transition**

(7) For clarity, this section, as it read immediately before the day subsection 4 (3) of Schedule 4 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of shareholders to be held on or after that day.

### **5 Section 100 of the Act is amended by adding the following subsection:**

#### **Same, examination by remote means**

(5) A corporation or a trustee, transfer agent or other agent may, but is not required, to permit a shareholder to examine the list of shareholders remotely at any time by means of any technology.

### **6 Section 103 of the Act is amended by adding the following subsection:**

#### **Voting by telephonic or electronic means**

(2.1) Unless the by-laws expressly provide otherwise, a vote at a meeting of shareholders may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person.

### **7 Section 114 of the Act is amended by adding the following subsection:**

#### **Vote may be by telephonic or electronic means**

(4) For clarity, unless the by-laws expressly provide otherwise, a vote referred to in subsection (2) or (3) may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic means and voting in person.

### **8 (1) Subsection 117 (4) of the Act is amended by striking out “and place of the meeting” at the end and substituting “and, if applicable, the place of the meeting”.**

### **(2) Section 117 of the Act is amended by adding the following subsection:**

#### **Instructions re attending meeting by telephonic, etc. means**

(5) If the directors may attend a meeting of directors referred to in subsection (1) by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

### **9 Subsection 124 (1) of the Act is amended by striking out “Despite subsection 126 (6), but subject to” at the beginning and substituting “Subject to”.**

### **10 (1) Section 126 of the Act is amended by adding the following subsections:**

#### **When notice is not required to specify place of meeting**

(9.1) Despite subsection (9) and any other provision in the articles or by-laws of a corporation, a notice of a meeting of directors is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

#### **Instructions re attending meeting by telephonic, etc. means**

(9.2) If the directors may attend a meeting by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

### **(2) Subsection 126 (11) of the Act is repealed and the following substituted:**

#### **Adjourned meeting**

(11) Notice of an adjourned meeting of directors is not required to be given if all of the following are announced at the time of an adjournment:

1. The time of the continued meeting.
2. If applicable, the place of the continued meeting.
3. If applicable, instructions for attending and participating in the continued meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

### **(3) Subsection 126 (13) of the Act is repealed and the following substituted:**

#### **Meeting by telephonic or electronic means**

(13) Subject to the articles or by-laws and subsection (15), a meeting of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, articles, etc.**

(14) In addition to any other matters that the articles or by-laws may provide for with respect to the holding of meetings of directors in accordance with subsection (13), the articles or by-laws may,

- (a) limit the manner or manners by which a meeting of directors may be held in accordance with subsection (13); and
- (b) specify requirements that apply with respect to the holding of a meeting of directors in a manner described in subsection (13) or in such manner as described by the articles or by-laws made under clause (a).

**Same, ability to communicate at meeting**

(15) A meeting of directors held in any manner described in subsection (13) or in such manner as described by the articles or by-laws made under subsection (14) must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously.

**Same, persons deemed present at meeting**

(16) A person who, through telephonic or electronic means, attends a meeting of directors is deemed for the purposes of this Act to be present in person at the meeting.

**Transition**

(17) For clarity, this section, as it read immediately before the day subsection 10 (3) of Schedule 4 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of directors to be held on or after that day.

**11 Subsections 139 (1) and (3) of the Act are repealed and the following substituted:****Records**

(1) Where this Act requires a record to be kept by a corporation, it may be kept in any form.

**Admissibility of records in evidence**

(3) The information in a record is admissible in evidence as proof, in the absence of evidence to the contrary, of all facts stated in the record, before and after dissolution of the corporation.

**12 The French version of section 142 of the Act is repealed and the following substituted:****Agents des transferts**

**142** Pour chaque catégorie de valeurs mobilières et de bons de souscription qu'elle émet, la société peut nommer :

- a) un fiduciaire, un agent des transferts ou un autre mandataire pour tenir le registre des valeurs mobilières et le registre des transferts, et une ou plusieurs personnes ou mandataires pour tenir les registres locaux;
- b) un préposé aux registres, un fiduciaire ou un mandataire pour tenir un registre des certificats de valeurs mobilières et des bons de souscription émis.

Sous réserve de l'article 48, une même personne peut être nommée en vertu des alinéas a) et b) relativement à toutes les catégories de valeurs mobilières et de bons de souscription de la société ou relativement à une ou plusieurs catégories de ces valeurs ou bons de souscription.

**13 (1) Section 144 of the Act is amended by adding the following subsection:****Same, examination by remote means**

(1.1) The corporation may, but is not required to, permit a director to examine any or all of the records mentioned in subsection (1) remotely at any time by means of any technology.

**(2) Subsection 144 (3) of the Act is amended by striking out "by means of a computer terminal or other electronic technology" at the end and substituting "by means of any technology".**

**14 Section 145 of the Act is amended by adding the following subsections:****Same, examination by remote means**

(1.1) The corporation may, but is not required to, permit a person to examine any or all of the records mentioned in clauses 140 (1) (a) to (e), remotely at any time by means of any technology and may also permit the person to take extracts by such means.

**Same, trustee, etc. appointed under s. 142 (a)**

(1.2) A trustee, transfer agent or other agent appointed under clause 142 (a) may, but is not required to, permit a person to examine any or all of the records mentioned in clause 140 (1) (d), remotely at any time by means of any technology and may also permit the person to take extracts by such means.

**Same, registrar appointed under s. 142 (b)**

(1.3) A registrar appointed under clause 142 (b) may, but is not required to, permit a person to examine any or all of the records mentioned in clause 142 (b), remotely at any time by means of any technology and may also permit the person to take extracts by such means.

**Same, no charge for examination, extracts**

(1.4) If a corporation or a registrar, trustee, transfer agent or other agent appointed under section 142 permits a registered holder of shares, beneficial owner of shares or creditor of a corporation, or their agent or legal representative, to examine a record or take extracts in accordance with subsection (1.1), (1.2) or (1.3), the corporation, registrar, trustee, transfer agent or other agent shall not charge the person for the examination or the extracts.

**15 Section 157 of the Act is amended by adding the following subsections:**

**Examination by remote means**

(3) A holding corporation may, but is not required to, permit a shareholder of the holding corporation or their agents or legal representative to examine the financial statements referred to in subsection (1) remotely at any time by means of any technology and may also permit the person to make extracts by such means.

**Same, no charge for examination, extracts**

(4) If a holding corporation permits a shareholder of the holding corporation or their agent or legal representative to examine the financial statements or make extracts in accordance with subsection (3), the holding corporation shall not charge the person for the examination or the extracts.

**16 Subsection 158 (5) of the Act is repealed and the following substituted:**

**Right of auditor to be heard**

(5) The auditor of a corporation shall be entitled to receive notice of, to attend at the expense of the corporation and to be heard at meetings of the board of directors of the corporation on matters relating to the auditor's duties.

**17 The French version of subsection 227 (4) of the Act is amended by striking out “est admissible en preuve comme preuve, en l’absence de preuve contraire” and substituting “est admissible en preuve et fait foi, en l’absence de preuve contraire”.**

**18 Subsection 262 (6) of the Act is repealed and the following substituted:**

**Electronic communications**

(6) A notice or document sent in accordance with subsection (1) or section 263 may be sent by electronic means in accordance with the *Electronic Commerce Act, 2000*.

**19 Subsection 271.1 (1) of the Act is amended by adding the following clauses:**

- (t) governing inspections of consents under section 5, examinations of lists of shareholders under section 100, examinations and inspections of records under sections 144 and 145 and examinations of financial statements under section 157;
- (u) governing transitional matters as the Minister considers necessary or advisable to facilitate the implementation of amendments to this Act made by Schedule 4 to the *Less Red Tape, Stronger Economy Act, 2023*.

**20 Part XIX of the Act and the Schedule to the Act are repealed.**

*COVID-19 Response and Reforms to Modernize Ontario Act, 2020*

**21 Section 8 of Schedule 2 to the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020* is repealed.**

**Revocation**

**22 Ontario Regulation 542/20 (Extension of Temporary Suspension Period), made under the Act, is revoked.**

**Commencement**

**23 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1 to 20 and 22 come into force on October 1, 2023.**

**SCHEDULE 5  
CANNABIS LICENCE ACT, 2018**

**1 Section 17 of the *Cannabis Licence Act, 2018* is repealed and the following substituted:**

**Transfers**

**17** (1) A retail operator licence, cannabis retail manager licence or retail store authorization is not transferable to another person, except as permitted by the regulations.

**Application for transfer**

(2) A person may apply to the Registrar for the transfer of a retail operator licence, cannabis retail manager licence or retail store authorization that is permitted by the regulations.

**Approval, refusal**

(3) The Registrar shall consider every application for a transfer, and shall,

- (a) approve the transfer, if the prescribed requirements are met; or
- (b) if the prescribed requirements are not met, refuse the application or issue a proposal to refuse the application, as specified by the regulations.

**Pre-existing conditions**

(4) A licence or authorization transferred in accordance with this section is subject to the same conditions to which it was subject immediately before the transfer.

**Conditions on consent**

(5) In approving the transfer of a licence or authorization, the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence or authorization.

**2 Section 19 of the Act is amended by adding “subject to the regulations” at the end.**

**3 (1) Clause 49 (1) (b) of the Act is amended by adding “or transfer” after “the renewal”.**

**(2) Clause 49 (1) (d) of the Act is amended by striking out “renewal and expiry” and substituting “renewal, transfer and expiry”.**

**(3) Subsection 49 (1) of the Act is amended by adding the following clause:**

- (j.1) authorizing and governing the sale, purchase or transfer of cannabis between holders of a retail store authorization in the prescribed circumstances;

**Commencement**

**4 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**



**SCHEDULE 6**  
**CENTENNIAL CENTRE OF SCIENCE AND TECHNOLOGY ACT**

**1 The *Centennial Centre of Science and Technology Act* is amended by adding the following section:**

**Immunity of trustees**

**10** (1) No cause of action arises against a trustee of the Centre as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a trustee of the Centre by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Centre preserved**

(3) Subsections (1) and (2) do not relieve the Centre of any liability to which it would otherwise be subject.

**Commencement**

**2 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 7  
CONDOMINIUM ACT, 1998**

**1 Subsection 1 (1) of the *Condominium Act, 1998* is amended by adding the following definition:**

“telephonic or electronic means” means any means that uses the telephone or any other electronic or other technological means to transmit information or data, including telephone calls, voice mail, fax, e-mail, an automated touch-tone telephone system, computer or computer networks; (“moyen de communication téléphonique ou électronique”)

**2 (1) Subsection 35 (3) of the Act is repealed and the following substituted:**

**Content of notice**

(3) The notice shall state the following:

1. The time of the meeting.
2. If the directors may attend the meeting in person, the place of the meeting.
3. If the directors may attend the meeting by telephonic or electronic means, instructions for attending and participating in the meeting by telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.
4. The general nature of the business to be discussed at the meeting.

**(2) Subsection 35 (5) of the Act is repealed and the following substituted:**

**Meeting of directors by telephonic or electronic means**

(5) Subject to the by-laws and subsection (7), a meeting of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, by-laws**

(6) In addition to any other matters that the by-laws may provide for with respect to the holding of meetings of directors in accordance with subsection (5), the by-laws may,

- (a) limit the manner or manners by which a meeting of directors may be held in accordance with subsection (5); and
- (b) specify requirements that apply with respect to the holding of a meeting of directors in a manner described in subsection (5) or in such manner as described by the by-laws made under clause (a).

**Same, ability to communicate**

(7) A meeting of directors held in any manner described in subsection (5) or in such manner as described by the by-laws made under subsection (6) must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously.

**Same, persons deemed present at meeting**

(8) A person who, through telephonic or electronic means, attends a meeting of directors is deemed for the purposes of this Act to be present at the meeting.

**3 Section 45 of the Act is amended by adding the following subsections:**

**Meeting of owners by telephonic or electronic means**

(6) Subject to the by-laws and subsection (8), a meeting of owners may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, by-laws**

(7) In addition to any other matters that the by-laws may provide for with respect to the holding of meetings of owners in accordance with subsection (6), the by-laws may,

- (a) limit the manner or manners by which a meeting of owners may be held in accordance with subsection (6); and
- (b) specify requirements that apply with respect to the holding of a meeting of owners in a manner described in subsection (6) or in such manner as described by the by-laws made under clause (a).

**Same, reasonable participation**

(8) A meeting of owners held in any manner described in subsection (6) or in such manner as described by the by-laws made under subsection (7) must enable all persons entitled to attend the meeting to reasonably participate.

**Same, persons deemed present at meeting**

(9) A person who, through telephonic or electronic means, casts a vote before or at a meeting of owners or attends such a meeting is deemed for the purposes of this Act to be present at the meeting.

**4 If, on the day this section comes in force, section 40 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* is not in force, subsection 46 (1) of the *Condominium Act, 1998* is amended by striking out “subsection 47 (2)” and substituting “section 46.1”.**

**5 Subsection 46.1 (3) of the Act is amended by adding “and” at the end of subclause (c) (iv) and by repealing clauses (d) and (e) and substituting the following:**

(d) any prescribed information.

**6 (1) Clause 47 (4) (c) of the Act is repealed and the following substituted:**

(c) subject to the regulations, sent to the owner’s electronic communication address that appears in the record of the corporation required by section 46.1, or is required by that section to appear in that record, if,

- (i) the by-laws made under subsection (6) do not prevent the giving of the notice by that method, and
- (ii) any additional requirements set out in the by-laws or in the regulations for sending the notice by that method are satisfied; or

**(2) Clause 47 (5) (c) of the Act is repealed and the following substituted:**

(c) subject to the regulations, sent to the mortgagee’s electronic communication address that appears in the record of the corporation required by section 46.1, or is required by that section to appear in that record, if,

- (i) the by-laws made under subsection (6) do not prevent the giving of the notice by that method, and
- (ii) any additional requirements set out in the by-laws or in the regulations for sending the notice by that method are satisfied.

**(3) Subsection 47 (6) of the Act is repealed the following substituted:**

**By-laws**

(6) The by-laws may specify,

- (a) circumstances in which clause (4) (c) or (5) (c) does not apply in respect of the corporation;
- (b) that all or certain types of notices may not be given by one or more methods of electronic communication; and
- (c) additional requirements that must be satisfied in order for a party to give a notice in accordance with clause (4) (c) or (5) (c).

**(4) The English version of clause 47 (7) (a) of the Act is amended by striking out “the hour” and substituting “the time”.**

**(5) Section 47 of the Act is amended by adding the following subsection:**

**When notice need not specify place of meeting**

(7.1) Despite clause (7) (a), a notice of meeting of owners need not specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**7 (1) Clause 52 (1) (b) of the Act is amended,**

- (a) by adding “or” at the end of subclause (i);
- (b) by striking out “or” at the end of subclause (ii); and
- (c) by repealing subclause (iii).

**(2) Subsection 52 (1.1) of the Act is repealed and the following substituted:**

**Same**

(1.1) Subject to the by-laws, a vote by a show of hands or by a recorded vote may be conducted entirely by one or more telephonic or electronic means or by any combination of in-person voting and by one or more telephonic or electronic means.

**Same**

(1.1.1) In addition to any other matters that the by-laws may provide for with respect to holding a vote in accordance with subsection (1.1), the by-laws may,

- (a) limit the method or methods by which a vote may be conducted in accordance with subsection (1.1); and
- (b) specify requirements that apply with respect to the holding of a vote by a method described in subsection (1.1) or by such method as described by the by-laws made under clause (a).

**(3) Subsection 52 (2) of the Act is amended by adding “described in clause (1) (b)” after “that a recorded vote”.**

**8 Section 54 of the Act is repealed and the following substituted:**

**Service on owner or mortgagee**

**54** (1) Subject to subsection (2), a thing other than a notice required to be given to an owner or a mortgagee under this Act is sufficiently served if it is given in accordance with subsection 47 (4) or (5), as the case may be, as if references to “notice” in the applicable subsection were references to the thing to be given to the owner or mortgagee.

**Exception**

(2) Except as provided in the regulations, subsection (1) does not apply with respect to the right to examine or obtain copies of records under subsection 55 (3).

**Application of s. 47 (6)**

(3) Subsection 47 (6) applies, with necessary modifications, for the purposes of subsection (1) of this section.

**9 (1) Paragraph 10 of subsection 55 (1) of the Act is repealed and the following substituted:**

10. All ballots or instruments appointing a proxy for a meeting of owners that are submitted at the meeting or delivered to the corporation before the meeting, including, for clarity, any record of votes cast through telephonic or electronic means before or at the meeting.

**(2) The French version of clause 55 (4) (b) of the Act is amended by striking out “instances en cours” and substituting “instances réelles”.**

**10 Part IV.1 of the Act is repealed.****11 (1) Subsection 177 (1) of the Act is amended by adding the following paragraph:**

- 6.5 governing the giving of a notice under clause 47 (4) (c) or (5) (c), including limiting the types of notices that may be given by one or more methods of electronic communication described in those clauses;

**(2) Subsection 177 (2) of the Act is amended by adding the following paragraph:**

11. governing transitional matters as the Minister considers necessary or advisable to facilitate the implementation of amendments to this Act made by Schedule 7 to the *Less Red Tape, Stronger Economy Act, 2023*.

**12 The Schedule to the Act is repealed.*****COVID-19 Response and Reforms to Modernize Ontario Act, 2020***

**13 Section 3 of Schedule 5 to the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020* is repealed.**

**Revocation**

**14 Ontario Regulation 541/20 (Extension of Temporary Suspension Period), made under the Act, is revoked.**

**Commencement**

**15 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1 to 12 and 14 of this Schedule come into force on October 1, 2023.**

**SCHEDULE 8  
CO-OPERATIVE CORPORATIONS ACT**

**1 Subsection 1 (1) of the *Co-operative Corporations Act* is amended by adding the following definition:**

“telephonic or electronic means” means any means that uses the telephone or any other electronic or other technological means to transmit information or data, including telephone calls, voice mail, fax, email, an automated touch-tone telephone system, computer or computer networks; (“moyen de communication téléphonique ou électronique”)

**2 Subsection 37 (2) of the Act is repealed and the following substituted:**

**Same**

(2) No person shall refuse to permit a person to inspect a statement in accordance with subsection (1) or to make extracts from them.

**Inspection by remote means**

(3) The co-operative may, but is not required to, permit a person to inspect a copy of a statement mentioned in subsection (1) remotely at any time by means of any technology and may permit the person to make extracts by such means.

**3 Section 45 of the Act is amended by striking out “manually”.**

**4 (1) Subsection 74 (1) of the Act is amended by adding “articles or” before “by-laws”.**

**(2) Subsections 74 (3) to (5) of the Act are repealed and the following substituted:**

**Meeting by telephonic or electronic means**

(3) Subject to the articles or by-laws and subsection (5), a meeting of the members of the co-operative may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, articles, etc.**

(4) In addition to any other matters that the articles or by-laws may provide for with respect to the holding of meetings of the members of the co-operative in accordance with subsection (3), the articles or by-laws may,

- (a) limit the manner or manners by which a meeting of the members of the co-operative may be held in accordance with subsection (3); and
- (b) specify requirements that apply with respect to the holding of a meeting of the members of the co-operative in a manner described in subsection (3) or in such manner as described by the articles or by-laws made under clause (a).

**Same, reasonable participation**

(5) A meeting of the members of the co-operative held in any manner described in subsection (3) or in such manner as described by the articles or by-laws made under subsection (4) must enable all persons entitled to attend the meeting to reasonably participate.

**Same, persons deemed present at meeting**

(6) A person who, through telephonic or electronic means, votes at or attends a meeting of the members of the co-operative is deemed for the purposes of this Act to be present in person at the meeting.

**Same, deemed place of meeting**

(7) A meeting of the members of the co-operative held in any manner described in subsection (3) or in such manner as described by the articles or by-laws made under subsection (4) is deemed to be held at the place where the head office of the co-operative is located.

**5 (1) The French version of clause 75 (1) (e) of the Act is amended by striking out “est admissible en preuve, à titre de preuve, en l’absence de preuve contraire” and substituting “est admissible en preuve et fait foi, en l’absence de preuve contraire”.**

**(2) Section 75 of the Act is amended by adding the following subsections:**

**When notice is not required to specify place of meeting**

(2.0.1) Despite clause (1) (a), the notice of a meeting of members is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(2.0.2) If a person may attend a meeting of members by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**(3) Section 75 of the Act is amended by adding the following subsection:**

**Transition**

(4) For clarity, this section, as it read immediately before the day subsection 5 (3) of Schedule 8 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of members to be held on or after that day.

**6 Subsections 76 (4) and (5) of the Act are repealed and the following substituted:**

**Manner of voting**

(4) Subject to the articles or by-laws of a co-operative, voting at a meeting of members shall be by show of hands unless a poll is demanded by a member, or by a director or officer on behalf of a member under subsection (3), entitled to vote at the meeting.

**Demand for poll**

(5) Subject to the articles or by-laws of a co-operative, a member, or a director or officer on behalf of a member under subsection (3), may demand a poll either before or after any vote by show of hands.

**Voting by telephonic or electronic means**

(6) Unless the articles or by-laws of a co-operative expressly provide otherwise, a vote cast before or at a meeting of members may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person.

**Voting by mail, etc.**

(7) The by-laws of a co-operative that is not a non-profit housing co-operative may permit voting to be cast by either or both of the following methods:

1. Sending the vote by mail.
2. Delivering the vote personally to,
  - i. the head office of the co-operative as shown on the records of the Ministry, or
  - ii. the co-operative's business office.

**Same, non-profit housing co-operative**

(8) The by-laws of a co-operative that is a non-profit housing co-operative may permit voting to be cast by one or more of the following methods:

1. Sending the vote by mail.
2. Delivering the vote personally to,
  - i. the head office of the co-operative as shown on the records of the Ministry, or
  - ii. the co-operative's business office.
3. Handing the vote to a returning officer or other individual designated by the co-operative for the purpose of receiving the vote.

**7 Subsection 90 (1) of the Act is repealed and the following substituted:**

**Election of directors**

(1) The directors shall be elected by the members at a general meeting, and the election shall be conducted in the manner prescribed by section 91.

**8 Subsection 91 (1) of the Act is amended by striking out “if the member votes, shall cast at the election a number of votes” and substituting “if the member votes, shall cast at or before a general meeting a number of votes”.**

**9 Section 94 of the Act is repealed and the following substituted:**

**Place of meeting**

**94** (1) Subject to subsections (2) and (3), a meeting of directors shall be held at the place where the head office of the co-operative is located.

**Exception**

(2) Where the articles or by-laws of the co-operative so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the co-operative a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

**Meeting by telephonic or electronic means**

(3) Subject to the articles or by-laws and subsection (5), a meeting of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, articles, etc.**

(4) In addition to any other matters that the articles or by-laws may provide for with respect to the holding of meetings of directors in accordance with subsection (3), the articles or by-laws may,

- (a) limit the manner or manners by which a meeting of directors may be held in accordance with subsection (3); and
- (b) specify requirements that apply with respect to the holding of a meeting of directors in a manner described in subsection (3) or in such manner as described by the articles or by-laws made under clause (a).

**Same, ability to communicate at meeting**

(5) A meeting of directors held in any manner described in subsection (3) or in such manner as described by the articles or by-laws made under subsection (4) must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously.

**Same, persons deemed present at meeting**

(6) A person who, through telephonic or electronic means, attends a meeting of directors is deemed for the purposes of this Act to be present in person at the meeting.

**Same, deemed place of meeting**

(7) If a majority of the directors attending a meeting held in a manner described in subsection (3) or in such manner as described by the articles or by-laws made under subsection (4) are in Canada during the meeting, the meeting is deemed to have been held in Canada.

**10 Section 95 of the Act is amended by adding the following subsections:****When notice is not required to specify place of meeting**

(3) Despite subsection (2) and any other provision in the articles or by-laws of a co-operative, a notice of a meeting of directors is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(4) If the directors may attend a meeting by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**Waiver of notice**

(5) A director may in any manner and at any time waive a notice of a meeting of directors and attendance of a director at a meeting of directors is a waiver of notice of the meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

**Transition**

(6) For clarity, this section, as it read immediately before the day section 10 of Schedule 8 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of directors or to be held on or after that day.

**11 The Act is amended by adding the following section:****Resolutions in writing**

**95.2** (1) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of the board of directors or of the executive committee, is as valid as if it had been passed at a meeting of the board of directors or of the executive committee.

**Exception**

(2) Subsection (1) does not apply to a resolution referred to in subsection 49 (3) or section 66 or 171.8.

**Copy to be kept**

(3) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the board of directors or of the executive committee.

## **Evidence**

(4) Unless a poll is demanded, an entry in the minutes of a meeting to the effect that the chair of the meeting declared a resolution to be carried or defeated is, in the absence of evidence to the contrary, proof of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

**12 (1) Subsection 113 (1) of the Act is repealed and the following substituted:**

### **Records**

(1) Where this Act requires a record to be kept by a co-operative, it may be kept in any form.

**(2) Subsection 113 (2) of the Act is amended by striking out “Where a record is not kept in a bound book” at the beginning.**

**(3) Subsection 113 (3) of the Act is repealed and the following substituted:**

### **Admissibility of records in evidence**

(3) The information in a record is admissible in evidence as proof, in the absence of evidence to the contrary, of all facts stated in the record, before and after dissolution of the co-operative.

**13 Subparagraphs 3 i, ii and iii of section 114 of the Act are amended by striking out “if any, of every such person” wherever it appears and substituting in each case “if any, and an email address, if one is provided, of every such person”.**

**14 The French version of section 116 of the Act is repealed and the following substituted:**

### **Agent des transferts**

**116** La coopérative peut nommer un préposé aux registres et un agent des transferts pour tenir le registre des détenteurs de valeurs mobilières et le registre des transferts.

**15 Section 118 of the Act is amended by adding the following subsection:**

### **Same, examination by remote means**

(1.1) Subject to the articles and by-laws of the co-operative, the co-operative may, but is not required to, permit a director to examine any or all of the records mentioned in subsection (1) remotely at any time by means of any technology.

**16 (1) Section 119 of the Act is amended by adding the following subsections:**

### **Same, examination by remote means**

(1.1) Subject to the articles and by-laws of the co-operative, the co-operative may, but is not required to, permit a member or creditor or their agent or personal representative to examine any or all of the records mentioned in subsection (1) remotely at any time by means of any technology and may also permit the person to make extracts by such means.

### **Same, registrar or transfer agent appointed under s. 116**

(1.2) Subject to the articles and by-laws of the co-operative, a registrar or transfer agent appointed under section 116 may, but is not required to, permit a member or creditor or their agent or personal representative to examine the register of security holders or the register of transfers remotely at any time by means of any technology and may also permit the person to make extracts by such means.

**(2) Subsection 119 (2) of the Act is repealed and the following substituted:**

### **No refusal to permit inspection under subs. (1)**

(2) No person shall refuse to permit a person mentioned in subsection (1) to examine a record or to make an extract in accordance with subsection (1).

**17 Section 135 of the Act is amended by adding the following subsection:**

### **Examination by remote means**

(4) Subject to the articles or by-laws of the holding co-operative, the holding co-operative may, but is not required to, permit a member of the holding co-operative to examine the financial statements referred to in subsection (3) remotely at any time by means of any technology.

**18 (1) Subsection 138 (4) of the Act is repealed and the following substituted:**

### **Hearing of auditor**

(4) The auditor of a co-operative is entitled to receive notice of every meeting of the audit committee and, at the expense of the co-operative, to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

**(2) Subsection 138 (6) of the Act is repealed and the following substituted:**



**Right of auditor to be heard**

- (6) The auditor of a co-operative shall be entitled to,
- (a) receive notice of,
  - (b) to attend, at the expense of the co-operative; and
  - (c) to be heard at,

meetings of the board of directors of the co-operative on matters relating to the auditor's duties as auditor.

**19 Clause 149 (a) of the Act is amended by striking out “subclause 207 (1) (b) (vii)” and substituting “subclause 207 (1) (b) (iv)”.**

**20 (1) Subparagraph 4 i of subsection 171.8 (2) of the Act is repealed and the following substituted:**

- i. set out the time and, if applicable, place of the board's meeting at which the matter will be considered,
- i.1 set out instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, if the member may attend the meeting by such means,

**(2) Paragraph 5 of subsection 171.8 (2) of the Act is repealed and the following substituted:**

- 5. If a meeting is adjourned, no new notice is required if all of the following are announced at the time of an adjournment:
  - i. The time of the continued meeting.
  - ii. If applicable, the place of the continued meeting.
  - iii. If applicable, instructions for attending and participating in the continued meeting by the telephonic or electronic means that will be made available for the meeting.

**(3) Section 171.8 of the Act is amended by adding the following subsection:**

**Transition**

(4) For clarity, paragraph 4 of subsection (2), as it read immediately before the day subsection 20 (3) of Schedule 8 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a board meeting to be held on or after that day.

**21 Subsection 172 (4) of the Act is repealed and the following substituted:**

**Waiver of notice and abridgement of time**

(4) Where a notice or other document is required by this Act or the regulations to be given or sent, the giving or sending of the notice or other document may be waived or the time for the giving or sending of the notice or other document may be waived or abridged with the consent in writing of the person entitled to it, whether before or after the time prescribed.

**Same**

(5) The consent of a person entitled to waive the requirement for the giving or sending of a notice or other document or to waive or abridge the time for the giving or sending of the notice or other document under subsection (1) may be sent by electronic means in accordance with the *Electronic Commerce Act, 2000*.

**22 Section 186 of the Act is amended by adding the following subsection:**

**Minister's regulations**

- (2.1) The Minister may make regulations governing,
- (a) inspections of statements under section 37, examinations of records under 118 and 119 and examinations of financial statements under section 135;
  - (b) transitional matters as the Minister considers necessary or advisable to facilitate the implementation of amendments to this Act made by Schedule 8 to the *Less Red Tape, Stronger Economy Act, 2023*.

**23 Sections 188, 189 and 190 of the Act and the Schedule to the Act are repealed.**

**COVID-19 Response and Reforms to Modernize Ontario Act, 2020**

**24 Section 8 of Schedule 6 to the COVID-19 Response and Reforms to Modernize Ontario Act, 2020 is repealed.**

**Revocation**

**25 Ontario Regulation 543/20 (Extension of Temporary Suspension Period), made under the Act, is revoked.**

**Commencement**

**26 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1 to 23 and 25 come into force on October 1, 2023.**

**SCHEDULE 9  
CORPORATIONS ACT**

**1** The English version of the definition of “telephonic or electronic means” in subsection 1 (1) of the *Corporations Act* is amended by striking out “e-mail, automated touch-tone telephone system” and substituting “email, an automated touch-tone telephone system”.

**2 (1)** Subsections 82 (1) and (2) of the Act are repealed and the following substituted:

**Place of meetings**

**82 (1)** Subject to subsections (2) and (3) and subsections 283.1 (6) and 294.1 (1), the meetings of shareholders and the meetings of directors shall be held at the place where the head office of the company is situate.

**Exception**

(2) Where the by-laws of the company so provide, the meetings of directors may be held at any place in or outside Ontario and the meetings of shareholders may be held at any place in Ontario.

**(2)** Section 82 of the Act is amended by adding the following subsections:

**Meeting under s. 283.1 (6) or (7)**

(3.1) If a majority of the directors attending a meeting held in a manner described in subsection 283.1 (6) or in such manner as described by the letters patent, supplementary letters patent or by-laws made under subsection 283.1 (7) are in Canada during the meeting, the meeting is deemed to have been held in Canada.

**Meeting under s. 294.1 (1) or (2)**

(3.2) A meeting held in a manner described in subsection 294.1 (1) or in such manner as described by the letters patent, supplementary letters patent or by-laws made under subsection 294.1 (2) is deemed to be held at the place where the head office of the company is situate.

**3** Subsection 85 (1) of the Act is amended by striking out “by prepaid mail”.

**4** Clause 86 (1) (a) of the Act is amended by striking out “by prepaid mail”.

**5** Section 89 of the Act is amended by adding the following subsection:

**Vote may be by telephonic or electronic means**

(2) For clarity, unless the by-laws expressly provide otherwise, a vote referred to in subsection (1) may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic means and voting in person.

**6** Subsection 93 (3) of the Act is repealed and the following substituted:

**When notice is not required to specify place of meeting**

(3) Despite clause (1) (a), the notice of a meeting of shareholders is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(4) If a person may attend a meeting of shareholders by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**Transition**

(5) For clarity, this section, as it read immediately before the day section 6 of Schedule 9 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of shareholders to be held on or after that day.

**7** Section 105 of the Act is amended by adding the following subsection:

**Inspection by remote means**

(3) A holding company may, but is not required to, permit a shareholder of the holding company to inspect the financial statements referred to in clause (2) (c) remotely at any time by means of any technology.

**8** Subsection 109 (1) of the Act is amended by striking out “by prepaid mail”.

**9** Subsection 110 (5) of the Act is amended by striking out “by prepaid mail”.

**10** Section 145 of the Act is amended by striking out “sections 167 and 168” and substituting “section 167”.

**11** Subsection 149 (5) of the Act is amended by striking out “a printed notice by mail, addressed to each subscriber at the subscriber’s post office address, at least ten days before” and substituting “a notice in writing to each subscriber at least 10 days before”.

**12 (1) Paragraph 1 of subsection 161 (2) of the Act is amended by striking out “by mail” at the end.**

**(2) Subsection 161 (4) of the Act is amended by striking out “shall mail a copy” and substituting “shall send a copy”.**

**13 (1) Subsection 165 (1) of the Act is amended by striking out “six, nine, twelve or fifteen” and substituting “no fewer than six and no more than 15”.**

**(2) Subsection 165 (2) of the Act is repealed and the following substituted:**

**Increase or decrease in number**

(2) The number of directors may from time to time be increased or decreased if so determined at a special general meeting of the corporation called for the purpose, or at an annual general meeting, if notice in writing of the intention to propose a by-law for that purpose at such annual meeting is given to the secretary of the corporation at least one month before the holding of the meeting, but the increased or decreased number of directors shall in any such case be no fewer than six and no more than 15. A decrease in the number of directors does not shorten the term of an incumbent director.

**14 Sections 167 and 168 of the Act are repealed and the following substituted:**

**Terms, retirement**

**167 (1)** Directors shall be elected for terms of three years, subject to subsections (2) and (3), and shall retire in rotation.

**Incorporation or amalgamation**

(2) On incorporation or amalgamation, the following rules apply with respect to the first directors’ terms:

1. The directors shall determine, by lot, which of them will hold office for a term of one year, which will hold office for a term of two years and which will hold office for a term of three years.
2. The number of directors whose term will expire at the end of any one of the first, second or third year after incorporation or amalgamation cannot exceed, by more than one, the number of directors whose term will expire at the end of any other of those years.

**Increase or decrease**

(3) After an increase or decrease in the number of directors, the following rules apply with respect to the directors’ terms:

1. The board shall determine the length of term for each of the directors who will be elected at the next meeting of members.
2. The number of directors whose term will expire at the end of any one of the first, second or third year after the meeting cannot exceed, by more than one, the number of directors whose term will expire at the end of any other of those years.

**15 (1) Subsection 171 (1) of the Act is amended by adding “at a meeting” after “for that purpose in person”.**

**(2) Section 171 of the Act is amended by adding the following subsection:**

**Voting by telephonic or electronic means**

(8) Unless the letters patent, supplementary letters patent or by-laws expressly provide otherwise, a vote under this section may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person.

**16 Clause 221 (b) of the Act is amended by striking out “to be mailed to” at the beginning and substituting “to be sent to”.**

**17 (1) Subsection 283 (3) of the Act is amended by striking out “and subsection (3.1)”.**

**(2) Subsection 283 (3.1) of the Act is repealed.**

**18 The Act is amended by adding the following section:**

**Directors’ meetings**

**283.1 (1)** Unless the letters patent, supplementary letters patent or by-laws provide otherwise, the directors may meet on any notice that the by-laws require.

**When notice is not required to specify place of meeting**

(2) A notice of a meeting of directors is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(3) If the directors may attend a meeting by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**Waiver of notice**

(4) A director may waive notice of a meeting of directors, and attendance of a director at a meeting of directors is a waiver of notice of the meeting, except if the director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting was not lawfully called.

**Adjourned meeting**

(5) Notice of a meeting that continues an adjourned meeting of directors is not required to be given if all of the following are announced at the time of an adjournment:

1. The time of the continued meeting.
2. If applicable, the place of the continued meeting.
3. If applicable, instructions for attending and participating in the continued meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**Meeting by telephonic or electronic means**

(6) Subject to the letters patent, supplementary letters patent or by-laws and subsection (8), a meeting of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, letters patent, etc.**

(7) In addition to any other matters that the letters patent, supplementary letters patent or by-laws may provide for with respect to the holding of meetings of directors in accordance with subsection (6), the letters patent, supplementary letters patent or by-laws may,

- (a) limit the manner or manners by which a meeting of directors may be held in accordance with subsection (6); and
- (b) specify requirements that apply with respect to the holding of a meeting of directors in a manner described in subsection (6) or in such manner as described by the letters patent, supplementary letters patent or by-laws made under clause (a).

**Same, ability to communicate at meeting**

(8) A meeting of directors held in any manner described in subsection (6) or in such manner as described by the letters patent, supplementary letters patent or by-laws made under subsection (7) must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously.

**Same, persons deemed present at meeting**

(9) A person who, through telephonic or electronic means, attends a meeting of directors is deemed for the purposes of this Act to be present in person at the meeting.

**Transition**

(10) For clarity, subsections (2) and (3) apply only to a notice of a meeting of directors that is given on or after the day section 18 of Schedule 9 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force.

**19 Section 287 of the Act is amended by adding the following subsection:****Voting by telephonic or electronic means**

(3.1) Unless the letters patent, supplementary letters patent or by-laws expressly provide otherwise, a vote under this section may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person.

**20 The Act is amended by adding the following sections:****Meeting by telephonic or electronic means**

**294.1** (1) Subject to the letters patent, supplementary letters patent or by-laws and subsection (3), a meeting of shareholders or members may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, letters patent, etc.**

(2) In addition to any other matters that the letters patent, supplementary letters patent or by-laws may provide for with respect to the holding of meetings of shareholders in accordance with subsection (1), the letters patent, supplementary letters patent or by-laws may,

- (a) limit the manner or manners by which a meeting of shareholders or members may be held in accordance with subsection (1); and

- (b) specify requirements that apply with respect to the holding of a meeting of shareholders or members in a manner described in subsection (1) or in such manner as described by the letters patent, supplementary letters patent or by-laws made under clause (a).

**Same, reasonable participation**

- (3) A meeting of shareholders or members held in any manner described in subsection (1) or in such manner as described by the letters patent, supplementary letters patent or by-laws made under subsection (2) must enable all persons entitled to attend the meeting to reasonably participate.

**Same, persons deemed present at meeting**

- (4) A person who, through telephonic or electronic means, votes at or attends a meeting of shareholders or members is deemed for the purposes of this Act to be present in person at the meeting.

**Manner of voting**

- 294.2** (1) Subject to the letters patent, supplementary letters patent or by-laws, voting at a meeting of shareholders or members shall be by show of hands unless a poll is demanded by a shareholder, member or proxyholder entitled to vote at the meeting.

**Demand for poll**

- (2) A shareholder, member or proxyholder may demand a poll either before or after any vote by show of hands.

**Voting by telephonic or electronic means**

- (3) Unless the letters patent, supplementary letters patent or by-laws expressly provide otherwise, a vote may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person.

**Non-application to election of directors**

- (4) This section does not apply in respect of the election of directors under section 171 or 287.

**21 Section 298 of the Act is amended by adding the following subsection:**

**Evidence of resolution**

- (5) Unless a poll is demanded, an entry in the minutes of a meeting of directors to the effect that the chair declared a resolution to be carried or defeated is proof of the fact, in the absence of evidence to the contrary, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

**22 The Act is amended by adding the following section:**

**Format of documents, etc.**

- 298.1** All records, documents and registers required by this Act or the regulations to be prepared and maintained by a corporation may be in any form, provided that they are capable of being reproduced in an accurate and intelligible form within a reasonable time.

**23 (1) Paragraph 3 of subsection 300 (1) of the Act is amended by striking out “and the address of every such person” and substituting “and the address, and an email address, if one is provided, of every such person”.**

**(2) Paragraph 4 of subsection 300 (1) of the Act is repealed and the following substituted:**

4. A register of directors in which are set out the name and address, and email address, if one is provided, of each person who is or has been a director of the corporation with the several dates on which the person became or ceased to be a director.

**24 (1) Section 304 of the Act is amended by adding the following subsection:**

**Same, inspection by remote means**

- (1.1) The corporation may, but is not required to, permit a director to inspect any or all of the records mentioned in subsection (1) remotely at any time by means of any technology.

**(2) Subsection 304 (3) of the Act is amended by striking out “by means of a computer terminal or other electronic technology” at the end and substituting “by means of any technology”.**

**(3) Subsection 304 (4) of the Act is amended by striking out “A director, officer or employee of a corporation who contravenes” at the beginning and substituting “Every corporation that, and every director, officer or employee of the corporation who, contravenes”.**

**25 (1) Section 305 of the Act is amended by adding the following subsection:**

### **Same, inspection by remote means**

(1.1) The corporation or transfer agent may, but is not required to, permit a shareholder, member or creditor of the corporation or their agent or legal representative to inspect any or all of the records mentioned in subsection (1) remotely at any time by means of any technology and may also permit the person to make extracts by such means.

### **(2) Subsection 305 (2) of the Act is repealed and the following substituted:**

#### **Offence**

(2) Every person who refuses to permit a person to inspect the minutes, documents or registers or to make extracts from them in accordance with subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$200.

### **26 (1) Subsection 324 (1) of the Act is repealed and the following substituted:**

#### **Service of notice**

(1) Subject to the letters patent, supplementary letters patent or by-laws, a notice or other document required or permitted to be given or sent to a shareholder or member or director of a corporation, other than by the Minister, may be given or sent to,

- (a) the shareholder or member at the person's last address as shown on the books of the corporation; or
- (b) the director at his or her latest address as shown on the books of the corporation or in the most recent notice or return filed under the *Corporations Information Act*, whichever is more current.

#### **Electronic communications**

(1.1) A notice or other document given or sent in accordance with subsection (1) may be given or sent by prepaid mail or personal delivery or by electronic means in accordance with the *Electronic Commerce Act, 2000*.

### **(2) Subsection 324 (2) of the Act is repealed and the following substituted:**

#### **Time of service**

(2) Subject to the letters patent, supplementary letters patent or by-laws, a notice or other document given or sent under subsection (1) by mail is deemed to be given or sent when it would be delivered in the ordinary course of mail.

### **27 The Act is amended by adding the following sections:**

#### **Notice to corporation**

**324.1** (1) Except where otherwise provided in this Act or the regulations, a notice or other document required or permitted to be sent to a corporation may be sent to the corporation by prepaid mail at its head office as shown on the records of the Director or may be delivered personally to the corporation at such office and shall be deemed to be received by the corporation on the fifth day after mailing.

#### **Electronic communications**

(2) A notice or other document sent in accordance with subsection (1) may be sent by electronic means in accordance with the *Electronic Commerce Act, 2000*.

#### **Waiver of notice and abridgement of times**

**324.2** (1) If a notice or other document is required by this Act or the regulations to be given or sent, the notice or other document may be waived or the time for the giving or sending of the notice or other document may be waived or abridged at any time with the consent in writing of the person entitled to it.

#### **Electronic communications**

(2) The consent of a person entitled to waive the requirement for the giving or sending of a notice or other document or to waive or abridge the time for the giving or sending of the notice or other document under subsection (1) may be sent by electronic means in accordance with the *Electronic Commerce Act, 2000*.

### **28 Subsection 326.1 (1) of the Act is amended by adding the following clauses:**

- (p) governing inspections of financial statements under section 105 and inspections of records under sections 304 and 305;
- (q) governing transitional matters as the Minister considers necessary or advisable to facilitate the implementation of amendments to this Act made by Schedule 9 to the *Less Red Tape, Stronger Economy Act, 2023*.

### **29 Part VIII of the Act and Schedule 2 to the Act are repealed.**

#### ***COVID-19 Response and Reforms to Modernize Ontario Act, 2020***

### **30 Section 12 of Schedule 7 to the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020* is repealed.**

#### **Revocation**

### **31 Ontario Regulation 544/20 (Extension of Temporary Suspension Period), made under the Act, is revoked.**

**Commencement**

**32 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1 to 9, 11, 12, 15 to 29 and 31 come into force on October 1, 2023.**



**SCHEDULE 10**  
**CORPORATIONS INFORMATION ACT**

**1 Section 5 of the *Corporations Information Act* is amended by adding the following subsection:**

**Examination by remote means**

(4) A corporation may, but is not required to, permit a shareholder, member, director, officer or creditor of the corporation to examine all or part of the record mentioned in subsection (2) remotely at any time by means of any technology and may also permit the person to make copies or take extracts by such means.

**2 Subsection 21.1 (1) of the Act is amended by adding the following clause:**

(q) governing examinations of records under section 5.

**Commencement**

**3 This Schedule comes into force on October 1, 2023.**

**SCHEDULE 11  
COURTS OF JUSTICE ACT**

**1 Subsection 89 (9) of the *Courts of Justice Act* is repealed.**

**Commencement**

**2 This Schedule comes into force on March 31, 2024.**

**SCHEDULE 12  
CREDITORS' RELIEF ACT, 2010**

**1** Subsection 11 (3) of the *Creditors' Relief Act, 2010* is amended by adding "or by e-mail or any other electronic means" at the end.

**Commencement**

**2** This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

**SCHEDULE 13  
EXECUTION ACT**

**1** Subsection 2 (3) of the *Execution Act* is amended by striking out “the value of the debtor’s principal residence” and substituting “the value of the debtor’s equity in the principal residence”.

**2** (1) Clause 35 (1) (a) of the Act is amended by striking out “subsection 2 (3)” at the end and substituting “subsection 2 (2)”.

**(2)** Subsection 35 (3) of the Act is amended by striking out “subsection 2 (3)” at the end and substituting “subsection 2 (2)”.

**Commencement**

**3** This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

**SCHEDULE 14**  
**FISH AND WILDLIFE CONSERVATION ACT, 1997**

**1 Subsection 1 (1) of the *Fish and Wildlife Conservation Act, 1997* is amended by adding the following definition:**

“train and trial area” means an area in which wildlife is enclosed for the purpose of teaching dogs hunting skills or testing their hunting skills; (“zone de dressage et d’épreuves”)

**2 Clauses 10 (1) (a) and (b) of the Act are repealed and the following substituted:**

- (a) enter premises in contravention of the *Trespass to Property Act* or the *Security from Trespass and Protecting Food Safety Act, 2020* for the purpose of hunting or fishing;
- (b) enter premises in contravention of the *Trespass to Property Act* or the *Security from Trespass and Protecting Food Safety Act, 2020* in possession of a firearm, fishing rod or other hunting or fishing device;

**3 Section 35 of the Act is repealed and the following substituted:**

**Train and trial area**

**35 (1)** A person shall not own or operate a train and trial area except under the authority of a licence and in accordance with the regulations.

**Licence issuance**

(2) A licence may only be issued under subsection (1) in the following circumstances:

- 1. A licence may be issued to a person who owned or operated a train and trial area pursuant to a licence issued under the regulations in 2023.
- 2. A licence may be issued to a person who, during the application period described in subsection (3), submits an application to establish a new train and trial area.
- 3. A licence may be issued to any person to operate a train and trial area, if the area was previously subject to a licence issued under paragraph 1 or 2.

**Application period**

(3) For the purposes of paragraph 2 of subsection (2), there shall be a one-time application period, only in 2024, lasting a maximum of 90 days to be prescribed in the regulations.

**4 Subsection 82 (3) of the Act is repealed and the following substituted:**

**False statements**

(3) A person shall not make a false or misleading statement in an application for a licence or authorization or in any document or data required to be created, kept or submitted under this Act or the regulations.

**5 Clause 89 (3) (a) of the Act is repealed and the following substituted:**

- (a) intermittent flashes of red light or red and blue light, in the case of a vehicle;

**6 (1) Subsection 104 (1) of the Act is repealed and the following substituted:**

**Cancellation of licence and other court orders**

(1) If a person is convicted of an offence under subsection 16 (1), the court shall order that,

- (a) in the case of an offence involving possession of a firearm for the purpose of hunting or trapping,
  - (i) any licence authorizing the person to hunt, including a trapping licence, shall be cancelled;
  - (ii) the person shall not possess, apply for or obtain any licence to hunt, and shall not hunt, during a period specified in the order, and
  - (iii) the person shall not hunt and shall not apply for a licence to hunt until the person has successfully completed educational requirements specified in the order, which may include,
    - (A) any hunter education course and examination prescribed by the regulations for a licence to hunt or such educational requirements in another jurisdiction that would enable the person to obtain a licence to hunt in Ontario, and
    - (B) in the case of an offence involving a gun, the Canadian Firearms Safety Course and any tests that form part of that course under the *Firearms Act* (Canada); and
- (b) in the case of an offence involving possession of a firearm for the purpose of fishing,
  - (i) any licence authorizing the person to fish shall be cancelled, and

(ii) the person shall not possess, apply for or obtain any licence to fish, and shall not fish, during a period specified in the order.

**(2) Clause 104 (2) (a) of the Act is amended by striking out “licence” and substituting “licence or authorization”.**

**(3) Clause 104 (2) (b) of the Act is amended by striking out “licence” and substituting “licence or authorization”.**

**(4) Subsection 104 (3) of the Act is amended by striking out “licence” wherever it appears and substituting in each case “licence or authorization”.**

**(5) Subsection 104 (5) of the Act is amended by striking out “licence” wherever it appears and substituting in each case “licence or authorization”.**

**7 (1) Subsection 112 (1) of the Act is amended by adding the following paragraphs:**

27.0.1 governing train and trial areas for the purposes of subsection 35 (1), including regulating the management and operation of the areas by the licensee, establishing requirements in respect of the areas and exempting persons who use the area for teaching dogs hunting skills or testing dogs’ hunting skills from section 26;

27.0.2 prescribing the start and end dates of the 90-day application period referred to in subsection 35 (3) during which a person may submit an application for a licence to establish a new train a trial area;

**(2) Paragraph 42 of subsection 112 (1) of the Act is amended by adding “application requirements” after “qualifications for licences”.**

**(3) Paragraph 55 of subsection 112 (1) of the Act is repealed.**

#### **Commencement**

**8 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1 and 3 and subsections 7 (1) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 15  
HIGHWAY TRAFFIC ACT**

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

**No overtaking a snow plow**

**148.1** (1) On a highway on which the speed limit is 80 kilometres per hour or more and which is divided into clearly marked lanes for traffic, no person shall, while travelling in a direction that has two or more such lanes, overtake a snow plow that is travelling in echelon with another plow or plows unless the lane of travel that is used by the overtaking vehicle to overtake the snow plow is entirely clear of any part of the snow plow, including any part of an attachment or the plow blade.

**Offence**

(2) Every person who, while driving a motor vehicle, contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$1,000.

**Definitions**

(3) In this section,

“snow plow” means a road service vehicle that requires a lamp in accordance with subsection 62 (31).

**Commencement**

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

**SCHEDULE 16  
INTERNATIONAL RECOVERY OF CHILD SUPPORT  
AND FAMILY MAINTENANCE CONVENTION ACT, 2023**

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Schedule 1	Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

**Purposes**

**1** The purposes of this Act are as follows:

1. To implement the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.
2. To provide that, to the extent specified under this Act, the procedures that apply with respect to applications under the Convention are those that apply with respect to comparable applications under the *Interjurisdictional Support Orders Act, 2002*.

**Definitions**

**2** (1) In this Act,

“Central Authority” means, in respect of a power, duty or function of the Central Authority, either,

- (a) the designated authority referred to in subsection 7 (1) and any person to whom the power, duty or function is delegated under subsection 7 (2), or
- (b) the person or entity designated under subsection 7 (3) in respect of the power, duty or function; (“Autorité centrale”)

“court” means the Family Court or the Ontario Court of Justice; (“tribunal”)

“Family Law Rules” means Ontario Regulation 114/99 (Family Law Rules) made under the *Courts of Justice Act*; (“Règles en matière de droit de la famille”)

“Minister” means the Minister of Children, Community and Social Services or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*; (“ministre”)

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



### **Words and expressions**

(2) Words and expressions used in this Act have the same meaning as the corresponding words and expressions used in the Convention.

### **Interpretation, “decision”**

(3) For greater certainty, the term “decision”, when used in this Act, means a decision to which Chapter V of the Convention applies under Article 19 (1) of the Convention and, as applicable, a maintenance arrangement as provided for under Article 30, and includes a support order as defined in the *Interjurisdictional Support Orders Act, 2002*.

### **Use of extrinsic materials**

3 In interpreting the Convention, recourse may be had to the Explanatory Report on the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, published by the Hague Conference on Private International Law in September 2013.

### **Conflict with other laws**

4 Except where this Act provides otherwise, in the event of an inconsistency between this Act and any other law, this Act prevails to the extent of the inconsistency.

### **Force of law**

5 The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance adopted by the Twenty-First Session of the Hague Conference on Private International Law held from November 5 to 23, 2007, set out in Schedule 1 to this Act, has force of law in Ontario on and after the day it enters into force in accordance with Article 60 of the Convention.

### **Declarations and reservations made in respect of Ontario**

#### **Declaration re application of Convention to other child support obligations**

6 (1) If Canada makes a declaration with respect to Ontario under Article 2 (3) of the Convention that the application of the Convention extends to applications respecting child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including but not limited to enrolment in a full-time program of education, to withdraw from their parents’ charge (as provided for in Ontario under section 31 of the *Family Law Act*) or to obtain the necessities of life, this Act applies, with necessary modifications, with respect to such applications.

#### **Declaration re application of Convention to applications for spousal support only**

(2) If Canada makes a declaration with respect to Ontario under Article 2 (3) of the Convention that the application of Chapters II and III of the Convention extends to applications respecting only spousal support, this Act applies, with necessary modifications, with respect to such applications.

#### **Reservation re bases for recognition and enforcement**

(3) If Canada makes a reservation with respect to Ontario under Article 20 (2) of the Convention in respect of Articles 20 (1) (c), (e) and (f), none of the following circumstances may alone form the basis for the recognition and enforcement in Ontario of a decision for the purposes of Article 20 (1):

1. The creditor was habitually resident in the State of origin at the time proceedings were instituted.
2. Except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction of the State of origin in writing by the parties.
3. The decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.

#### **Declaration re making of applications through Central Authority only**

(4) If Canada makes a declaration in respect of Ontario under Article 30 (7) of the Convention that applications for recognition and enforcement of a maintenance arrangement shall only be made through Ontario’s Central Authority, such applications shall only be made through the Central Authority.

### **Central Authority**

7 (1) Subject to subsection (3), the Central Authority for the purposes of this Act is the designated authority appointed under subsection 41 (1) of the *Interjurisdictional Support Orders Act, 2002*.

#### **Delegation by Central Authority**

(2) The Central Authority may, in writing, delegate any of its powers, duties or functions under this Act to any other person or persons.

**Designation by Minister**

(3) The Minister may, in writing, designate one or more persons or entities to exercise any power or perform any duty or function of the Central Authority instead of the designated authority, other than,

- (a) the power to delegate under subsection (2); and
- (b) any other power specified by the regulations.

**Competent authority**

**8** (1) The competent authority in respect of a provision of this Act or the regulations, or in respect of a power, duty or function of the competent authority under this Act, is the person or entity specified by the regulations in respect of that provision, power, duty or function.

**Same**

(2) Regulations made for the purposes of subsection (1) may provide that the Central Authority may make a determination respecting the competent authority in respect of a provision of this Act or the regulations or in respect of a power, duty or function of the competent authority under this Act.

**Deemed reciprocity arrangements**

**9** If a Contracting State is a reciprocating jurisdiction as defined in the *Interjurisdictional Support Orders Act, 2002*, that Contracting State and Ontario are deemed to have between them a reciprocity arrangement that meets the requirements of Article 52 of the Convention.

**Other remedies**

**10** Subject to Article 18 of the Convention, nothing in this Act affects the availability of any other remedy to,

- (a) a person;
- (b) Ontario or another province or territory of Canada;
- (c) a jurisdiction outside Canada; or
- (d) a political subdivision or official agency of Ontario, another province or territory of Canada or a jurisdiction outside Canada.

**Applications made to Central Authority in Ontario**

**11** (1) This section applies with respect to applications made to the Central Authority,

- (a) by the central authority of a requesting State under Article 10 of the Convention; or
- (b) directly by the applicant, as contemplated by Article 52 (1) (d) of the Convention.

**Procedures**

(2) Except where this Act or the regulations provide otherwise, the *Interjurisdictional Support Orders Act, 2002* and Ontario Regulation 55/03 (General) made under that Act apply, with the following and any other necessary modifications, with respect to an application made to the Central Authority:

1. A reference in the *Interjurisdictional Support Orders Act, 2002* or in Ontario Regulation 55/03 to the designated authority shall be read as a reference to the Central Authority.
2. A reference in the *Interjurisdictional Support Orders Act, 2002* or in Ontario Regulation 55/03 to the Ontario court shall be read as a reference to the court as defined in this Act.
3. Any other modifications that may be specified by the regulations.

**Same**

(3) Except where this Act or the regulations provide otherwise, the Family Law Rules apply, with necessary modifications including any modifications that may be specified by the regulations, with respect to an application made to the Central Authority as if it were an application to the designated authority under the *Interjurisdictional Support Orders Act, 2002*.

**Application of Art. 23**

(4) For greater certainty, Article 23 and not Article 24 of the Convention applies with respect to the procedures on an application for recognition and enforcement of a decision to the Central Authority.

**Decision copies, abstracts, extracts**

(5) For the purposes of Article 25 (3) (b) of the Convention, the application for recognition and enforcement of a decision may be accompanied by,

- (a) an uncertified copy of the decision, unless the Central Authority considers it appropriate to require a certified copy; or

- (b) an abstract or extract of the decision, subject to any requirements that may be specified by the regulations.

#### **Application admissible in evidence**

(6) An application transmitted to the Central Authority in accordance with Article 12 of the Convention in the form recommended and published by the Hague Conference on Private International Law is, despite section 45 of the *Evidence Act*, admissible in evidence as proof, in the absence of evidence to the contrary, of the contents of the application.

#### **Direct request to competent authority**

**12** (1) For the purposes of Article 37 of the Convention, a request for recognition and enforcement of a decision made directly to the competent authority shall be subject to,

- (a) the procedures provided for in the regulations; or
- (b) if no procedures are provided for in the regulations, to the procedures set out in the Family Law Rules with respect to cases under the *Interjurisdictional Support Orders Act, 2002*, with necessary modifications.

#### **Same**

(2) Regulations made for the purposes of subsection (1) may require or provide that a request referred to in that subsection be directed to the Central Authority and treated as an application under Article 10 (1) (a) or (2) (a) of the Convention.

#### **Enforcement**

**13** For the purposes of Article 32 of the Convention, a decision that has been registered for enforcement under Article 23 of the Convention is enforceable in the same manner as a support order registered under the *Interjurisdictional Support Orders Act, 2002*, and, for the purpose, section 19 of that Act applies with necessary modifications with respect to an enforceable decision.

#### **Challenges and appeals**

##### **Challenges, appeals under Art. 23 (5), procedures**

**14** (1) Sections 20 and 21 of the *Interjurisdictional Support Orders Act, 2002* apply with necessary modifications to a challenge or appeal under Article 23 (5) of the Convention as if the challenge or appeal were a motion to set aside the registration of an order, except to the extent that their application conflicts with the procedural requirements of Article 23.

##### **Further appeals under Art. 23 (10)**

(2) For the purposes of the further appeal referred to in Article 23 (10) of the Convention, the decision of the court may be appealed by,

- (a) the applicant;
- (b) the respondent; or
- (c) the Central Authority.

#### **Same, procedures**

(3) For the purposes of an appeal referred to in subsection (2), section 40 of the *Interjurisdictional Support Orders Act, 2002* applies with necessary modifications.

#### **Terminology**

**15** If, in a proceeding under this Act, a document from a competent authority in a Contracting State contains terminology different from the terminology in this Act, or contains terminology or is in a form different than that customarily in use in a court, the court shall give a broad and liberal interpretation to the terminology or form so as to give effect to the document.

#### **Physical presence not required**

**16** The physical presence of the applicant, or of a child who is a subject of the application, is not required in any proceeding under this Act.

#### **Applications made through Central Authority to another central authority**

##### **Statement of enforceability**

**17** (1) The documents referred to in Articles 25 (1) (b) and 30 (3) (b) of the Convention may be provided by the competent authority.

##### **Non-disclosure of information**

(2) If the Central Authority determines under Article 40 (1) of the Convention that disclosure or confirmation of the applicant's contact details could jeopardize the health, safety or liberty of a person, the contact details of the Central Authority may be substituted for those of the applicant.

## Forms

(3) Applications made through the Central Authority to another central authority under Article 10 of the Convention by applicants who reside in Ontario for the establishment or modification of a decision shall be in the form approved by the Central Authority.

### **Application of Act to certain orders registered under *Interjurisdictional Support Orders Act, 2002***

**18** An application to vary a support order that was registered under section 19 of the *Interjurisdictional Support Orders Act, 2002* before the day the Convention began to apply in Ontario shall, on and after that day, be brought or continued under this Act as an application under Article 10 of the Convention to modify a decision, if, at the time the application is or was made, the state in which the decision was made is or was a Contracting State.

### **Application of Act to decision recognized under Convention elsewhere in Canada**

**19** (1) This Act applies with respect to a decision made in a Contracting State that has been registered and is enforceable in another jurisdiction of Canada under an Act of that jurisdiction that adopts the Convention.

### **Exception, challenge or appeal**

(2) Despite subsection (1), no challenge or appeal of the registration of the decision under this Act may be brought under Article 23 (5) of the Convention, regardless of whether or not any such challenge or appeal was brought in the other jurisdiction, unless the respondent did not receive notice of the application for recognition and enforcement in the other jurisdiction of Canada in which the decision was previously registered for enforcement.

### **No personal liability**

**20** (1) No cause of action arises 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 powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions:

1. A person who exercises or exercised a power, duty or function of the Central Authority under this Act.
2. A person who exercises or exercised a power, duty or function of the competent authority under this Act.
3. A current or former employee in the office of a person referred to in paragraph 1 or 2.

### **Crown remains vicariously liable**

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

### **Proceedings barred**

(3) No proceeding shall be commenced against any person specified in subsection (1) in respect of a matter referred to in that subsection.

### **Same**

(4) Subsection (3) does not apply with respect to an application for judicial review, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

### **Crown bound**

**21** This Act binds the Crown.

### **Regulations**

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

- (a) respecting anything that, in this Act, may or must be done by the regulations;
- (b) governing applications and procedures for applications made under the Convention, including providing, for the purposes of clause 11 (5) (b), that abstracts or extracts of decisions are subject to requirements respecting form, manner, content or any other requirements;
- (c) governing procedures for requests referred to in subsection 12 (1);
- (d) requiring the use of specified forms for the purposes of this Act or permitting the Central Authority to require the use of forms approved by it for the purposes of this Act, if a form is not already provided for under this Act;
- (e) providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of this Act;
- (f) to carry out the intent and purposes of this Act.

**Same**

(2) A regulation made under clause (1) (b) prevails in the event of a conflict with this Act, other than the Convention, or with any other Act or regulation.

**AMENDMENTS TO OTHER ACTS**

*Courts of Justice Act*

**23 Paragraph 1 of the Schedule to section 21.8 of the *Courts of Justice Act* is amended by adding “*International Recovery of Child Support and Family Maintenance Convention Act, 2023*” after “*Family Responsibility and Support Arrears Enforcement Act, 1996*”.**

*Family Law Act*

**24 (1) Subsection 39 (7.1) of the *Family Law Act* is repealed and the following substituted:**

**Certified copies**

(7.1) The Minister of Finance shall provide certified copies of notices of calculation as required by subsection 11.2 (2) of the *Ministry of Revenue Act*.

**(2) Subsection 39.1 (8.1) of the Act is repealed and the following substituted:**

**Certified copies**

(8.1) The Minister of Finance shall provide certified copies of notices of recalculation as required by subsection 11.3 (2) of the *Ministry of Revenue Act*.

*Family Responsibility and Support Arrears Enforcement Act, 1996*

**25 (1) Subsection 1 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* is amended by adding the following definition:**

“contracting state” means a Contracting State within the meaning of the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*; (“État contractant”)

**(2) Subsection 13 (1) of the Act is amended by adding “or Article 10 (1) (a) of the Convention in the Schedule to the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*” after “*Interjurisdictional Support Orders Act, 2002*”.**

**(3) Subsection 14 (1.1) of the Act is amended by adding “or contracting state” after “reciprocating jurisdiction” wherever it appears.**

**(4) Subsection 35 (2) of the Act is repealed and the following substituted:**

**Certain support variation applications**

(2) For the purposes of this section, submitting a support variation application to the designated authority in Ontario under the *Interjurisdictional Support Orders Act, 2002* or to the Central Authority in Ontario under the *International Recovery of Child Support and Family Maintenance Convention Act, 2023* has the same effect as making a motion to change a support order.

**(5) Subclause 35 (6) (b) (ii) of the Act is amended by adding “or the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*” after “the *Interjurisdictional Support Orders Act, 2002*”.**

**(6) Clause 35 (21) (b) of the Act is amended by striking out “the *Divorce Act (Canada)* or the *Interjurisdictional Support Orders Act, 2002*” at the end and substituting “the *Divorce Act (Canada)*, the *Interjurisdictional Support Orders Act, 2002* or the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*”.**

**(7) Clause 58 (3) (d) of the Act is amended,**

**(a) by adding “or contracting state” after “reciprocating jurisdiction”; and**

**(b) by adding “or the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*” at the end.**

*Interjurisdictional Support Orders Act, 2002*

**26 (1) Clause 5 (2) (d) of the *Interjurisdictional Support Orders Act, 2002* is repealed and the following substituted:**

(d) the information set out in subsection (3); and

**(2) Subsection 5 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Same**

(3) The information required by clause (2) (d) is,

**(3) Subsection 6 (4) of the Act is amended by striking out “certified”.**

**(4) Section 11 of the Act is amended by adding the following subsection:**

**Methods of providing evidence**

(6) The Ontario court may, for the purposes of this section, require or permit a claimant to provide evidence or information by telephone or any other electronic or other technological means, unless the circumstances are such that it would clearly not be appropriate to do so.

**(5) Section 17 of the Act is amended by adding the following subsections:**

**Same, certain orders made outside Canada**

(2) Despite subsection (1) but subject to subsection (3), subsections 19 (3) and (7) and 20 (1) to (6) and section 21 do not apply with respect to a support order, temporary support order or order varying a support order made in a reciprocating jurisdiction outside Canada, if,

- (a) the order was previously registered in a reciprocating jurisdiction in Canada under an enactment in that jurisdiction that corresponds to this Act; and
- (b) the registration referred to in clause (a) has not been set aside.

**Exception**

(3) If a party to the order did not receive notice of the registration of the order in the reciprocating jurisdiction in Canada, the party may make a motion to the Ontario court under subsection 20 (2) to set aside the registration, and subsections 20 (3) to (6) and section 21 apply for the purpose.

**(6) Subsections 18 (1) and (2) of the Act are amended by striking out “certified” wherever it appears.**

**(7) Section 18 of the Act is amended by adding the following subsection:**

**Request for certified copy**

(3) Despite subsection (2), the designated authority may, if the designated authority considers it appropriate to do so, request that the claimant or the appropriate authority of the reciprocating jurisdiction send a certified copy of the order to the designated authority for submission to the clerk of the Ontario court referred to in that subsection in accordance with the regulations.

**(8) Subsection 19 (1) of the Act is amended by adding “or (3)” after “subsection 18 (2)”.**

**(9) Section 20 of the Act is amended by adding the following subsection:**

**Certified copy**

(3.1) The Ontario court may request a certified copy of the order for the purposes of the motion.

**(10) Clause 20 (4) (b) of the Act is amended by striking out “or” at the end of subclause (ii), by adding “or” at the end of subclause (iii) and by adding the following subclause:**

- (iv) the Ontario court requested a certified copy of the order but failed to receive it, and the authenticity or integrity of the order has not been established.

**(11) Section 23 of the Act is amended by adding “Subject to section 18 of the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*” at the beginning.**

**(12) Clause 27 (2) (e) of the Act is repealed and the following substituted:**

- (e) the information set out in subsection (3).

**(13) Subsection 27 (3) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Same**

(3) The information required by clause (2) (e) is,

. . . . .

**(14) Subsection 28 (4) of the Act is amended by striking out “certified”.**

**(15) Section 34 of the Act is amended by adding the following subsection:**

**Methods of providing evidence**

(6) The Ontario court may, for the purposes of this section, require or permit a claimant to provide evidence or information by telephone or any other electronic or other technological means, unless the circumstances are such that it would clearly not be appropriate to do so.

**(16) Section 42 of the Act is amended by adding the following subsection:**

**Same**

(2) The designated authority may only send the order or document to the appropriate authority of the reciprocating jurisdiction electronically with the appropriate authority's consent.

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

**Receiving documents**

**42.1** The designated authority may receive documents from the appropriate authority of a reciprocating jurisdiction electronically, except as otherwise provided by the regulations.

**(18) Subsection 49 (1) of the Act is repealed and the following substituted:**

**Receipt in evidence**

(1) Statements in writing sworn to or affirmed by the maker, depositions or transcripts of evidence taken in a reciprocating jurisdiction may be received in evidence by an Ontario court under this Act, whether or not section 45 of the *Evidence Act* has been complied with.

**(19) Subsection 49 (2) of the Act is amended by striking out "sworn".**

**(20) Section 49 of the Act is amended by adding the following subsections:**

**Unsworn documents**

(3) A document sent by the appropriate authority in a reciprocating jurisdiction in relation to a support application referred to in subsection 5 (2) or a support variation application referred to in subsection 27 (2) and that has not been sworn or affirmed may, despite section 45 of the *Evidence Act*, be received in evidence by an Ontario court under this Act as proof of the contents of the document in the absence of evidence to the contrary, if the document includes a statement by the claimant or applicant declaring that the contents of the document are true.

**Same**

(4) Despite subsection (3), if the Ontario court is not satisfied with the authenticity or integrity of a document referred to in that subsection, the court may require the claimant or applicant to,

- (a) swear or affirm the document;
- (b) provide a sworn or affirmed statement that the matters set out in the document are true; or
- (c) appear before the court by telephone or any other method specified by the court that does not require in person attendance to swear or affirm that the matters set out in the document are true, or to give oral evidence.

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

**Proceedings under *Divorce Act* (Canada)**

**51.1** This Act applies, with necessary modifications, for the purposes of proceedings under sections 18.1 to 19.1 of the *Divorce Act* (Canada).

**(22) Clause 53 (f) of the Act is repealed and the following substituted:**

- (f) respecting any matter that, in this Act, is referred to as being prescribed or is required or permitted to be provided for by the regulations.

**(23) Section 54 of the Act is repealed.**

**COMMENCEMENT AND SHORT TITLE****Commencement**

**27 (1)** Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

(2) Sections 23 and 25 and subsections 26 (1) to (20) come into force on a day to be named by proclamation of the Lieutenant Governor.

**Short title**

**28** The short title of the Act set out in this Schedule is the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*.

SCHEDULE 1  
CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT  
AND OTHER FORMS OF FAMILY MAINTENANCE

PREAMBLE

The States signatory to the present Convention,

Desiring to improve co-operation among States for the international recovery of child support and other forms of family maintenance,

Aware of the need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair

Wishing to build upon the best features of existing Hague Conventions and other international instruments, in particular the United Nations *Convention on the Recovery Abroad of Maintenance* of 20 June 1956,

Seeking to take advantage of advances in technologies and to create a flexible system which can continue to evolve as needs change and further advances in technology create new opportunities,

Recalling that, in accordance with Articles 3 and 27 of the United Nations *Convention on the Rights of the Child* of 20 November 1989,

- in all actions concerning children the best interests of the child shall be a primary consideration,
- every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development,
- the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development, and
- States Parties should take all appropriate measures, including the conclusion of international agreements, to secure the recovery of maintenance for the child from the parent(s) or other responsible persons, in particular where such persons live in a State different from that of the child,
- Have resolved to conclude this Convention and have agreed upon the following provisions –

CHAPTER I  
OBJECT, SCOPE AND DEFINITIONS

ARTICLE 1  
OBJECT

The object of the present Convention is to ensure the effective international recovery of child support and other forms of family maintenance, in particular by –

- a) establishing a comprehensive system of co-operation between the authorities of the Contracting States;
- b) making available applications for the establishment of maintenance decisions;
- c) providing for the recognition and enforcement of maintenance decisions; and
- d) requiring effective measures for the prompt enforcement of maintenance decisions.

ARTICLE 2  
SCOPE

1 This Convention shall apply –

- a) to maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years;
- b) to recognition and enforcement or enforcement of a decision for spousal support when the application is made with a claim within the scope of sub-paragraph a); and
- c) with the exception of Chapters II and III, to spousal support.

2 Any Contracting State may reserve, in accordance with Article 62, the right to limit the application of the Convention under sub-paragraph 1 a), to persons who have not attained the age of 18 years. A Contracting State which makes this reservation shall not be entitled to claim the application of the Convention to persons of the age excluded by its reservation.

3 Any Contracting State may declare in accordance with Article 63 that it will extend the application of the whole or any part of the Convention to any maintenance obligation arising from a family relationship, parentage, marriage or affinity, including in particular obligations in respect of vulnerable persons. Any such declaration shall give rise to obligations between two Contracting States only in so far as their declarations cover the same maintenance obligations and parts of the Convention.

4 The provisions of this Convention shall apply to children regardless of the marital status of the parents.



ARTICLE 3  
DEFINITIONS

For the purposes of this Convention –

- a) “creditor” means an individual to whom maintenance is owed or is alleged to be owed;
- b) “debtor” means an individual who owes or who is alleged to owe maintenance;
- c) “legal assistance” means the assistance necessary to enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. The means of providing such assistance may include as necessary legal advice, assistance in bringing a case before an authority, legal representation and exemption from costs of proceedings;
- d) “agreement in writing” means an agreement recorded in any medium, the information contained in which is accessible so as to be usable for subsequent reference;
- e) “maintenance arrangement” means an agreement in writing relating to the payment of maintenance which –
  - i) has been formally drawn up or registered as an authentic instrument by a competent authority, or
  - ii) has been authenticated by, or concluded, registered or filed with a competent authority,

and may be the subject of review and modification by a competent authority;

- f) “vulnerable person” means a person who, by reason of an impairment or insufficiency of his or her personal faculties, is not able to support him or herself.

CHAPTER II  
ADMINISTRATIVE CO-OPERATION

ARTICLE 4  
DESIGNATION OF CENTRAL AUTHORITIES

1 A Contracting State shall designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.

2 Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and shall specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

3 The designation of the Central Authority or Central Authorities, their contact details, and where appropriate the extent of their functions as specified in paragraph 2, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law at the time when the instrument of ratification or accession is deposited or when a declaration is submitted in accordance with Article 61. Contracting States shall promptly inform the Permanent Bureau of any changes.

ARTICLE 5  
GENERAL FUNCTIONS OF CENTRAL AUTHORITIES

Central Authorities shall –

- a) co-operate with each other and promote co-operation amongst the competent authorities in their States to achieve the purposes of the Convention;
- b) seek as far as possible solutions to difficulties which arise in the application of the Convention.

ARTICLE 6  
SPECIFIC FUNCTIONS OF CENTRAL AUTHORITIES

1 Central Authorities shall provide assistance in relation to applications under Chapter III. In particular they shall –

- a) transmit and receive such applications;
- b) initiate or facilitate the institution of proceedings in respect of such applications.

2 In relation to such applications they shall take all appropriate measures –

- a) where the circumstances require, to provide or facilitate the provision of legal assistance;
- b) to help locate the debtor or the creditor;
- c) to help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor or creditor, including the location of assets;

- d) to encourage amicable solutions with a view to obtaining voluntary payment of maintenance, where suitable by use of mediation, conciliation or similar processes;
- e) to facilitate the ongoing enforcement of maintenance decisions, including any arrears;
- f) to facilitate the collection and expeditious transfer of maintenance payments;
- g) to facilitate the obtaining of documentary or other evidence;
- h) to provide assistance in establishing parentage where necessary for the recovery of maintenance;
- i) to initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application;
- j) to facilitate service of documents.

3 The functions of the Central Authority under this Article may, to the extent permitted under the law of its State, be performed by public bodies, or other bodies subject to the supervision of the competent authorities of that State. The designation of any such public bodies or other bodies, as well as their contact details and the extent of their functions, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law. Contracting States shall promptly inform the Permanent.

4 Nothing in this Article or Article 7 shall be interpreted as imposing an obligation on a Central Authority to exercise powers that can be exercised only by judicial authorities under the law of the requested State

#### ARTICLE 7 REQUESTS FOR SPECIFIC MEASURES

1 A Central Authority may make a request, supported by reasons, to another Central Authority to take appropriate specific measures under Article 6(2) b), c), g), h), i) and j) when no application under Article 10 is pending. The requested Central Authority shall take such measures as are appropriate if satisfied that they are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated.

2 A Central Authority may also take specific measures on the request of another Central Authority in relation to a case having an international element concerning the recovery of maintenance pending in the requesting State.

#### ARTICLE 8 CENTRAL AUTHORITY COSTS

1 Each Central Authority shall bear its own costs in applying this Convention.

2 Central Authorities may not impose any charge on an applicant for the provision of their services under the Convention save for exceptional costs arising from a request for a specific measure under Article 7.

3 The requested Central Authority may not recover the costs of the services referred to in paragraph 2 without the prior consent of the applicant to the provision of those services at such cost.

### CHAPTER III APPLICATIONS THROUGH CENTRAL AUTHORITIES

#### ARTICLE 9 APPLICATION THROUGH CENTRAL AUTHORITIES

An application under this Chapter shall be made through the Central Authority of the Contracting State in which the applicant resides to the Central Authority of the requested State. For the purpose of this provision, residence excludes mere presence.

#### ARTICLE 10 AVAILABLE APPLICATIONS

1 The following categories of application shall be available to a creditor in a requesting State seeking to recover maintenance under this Convention –

- a) recognition or recognition and enforcement of a decision;
- b) enforcement of a decision made or recognised in the requested State;
- c) establishment of a decision in the requested State where there is no existing decision, including where necessary the establishment of parentage;
- d) establishment of a decision in the requested State where recognition and enforcement of a decision is not possible, or is refused, because of the lack of a basis for recognition and enforcement under Article 20, or on the grounds specified in Article 22 b) or e);

- e) modification of a decision made in the requested State;
- f) modification of a decision made in a State other than the requested State.

2 The following categories of application shall be available to a debtor in a requesting State against whom there is an existing maintenance decision –

- a) recognition of a decision, or an equivalent procedure leading to the suspension, or limiting the enforcement, of a previous decision in the requested State;
- b) modification of a decision made in the requested State;
- c) modification of a decision made in a State other than the requested State.

3 Save as otherwise provided in this Convention, the applications in paragraphs 1 and 2 shall be determined under the law of the requested State, and applications in paragraphs 1 c) to f) and 2 b) and c) shall be subject to the jurisdictional rules applicable in the requested State.

#### ARTICLE 11 APPLICATION CONTENTS

1 All applications under Article 10 shall as a minimum include –

- a) a statement of the nature of the application or applications;
- b) the name and contact details, including the address and date of birth of the applicant;
- c) the name and, if known, address and date of birth of the respondent;
- d) the name and date of birth of any person for whom maintenance is sought;
- e) the grounds upon which the application is based;
- f) in an application by a creditor, information concerning where the maintenance payment should be sent or electronically transmitted;
- g) save in an application under Article 10(1) a) and (2) a), any information or document specified by declaration in accordance with Article 63 by the requested State;
- h) the name and contact details of the person or unit from the Central Authority of the requesting State responsible for processing the application.

2 As appropriate, and to the extent known, the application shall in addition in particular include –

- a) the financial circumstances of the creditor;
- b) the financial circumstances of the debtor, including the name and address of the employer of the debtor and the nature and location of the assets of the debtor;
- c) any other information that may assist with the location of the respondent.

3 The application shall be accompanied by any necessary supporting information or documentation including documentation concerning the entitlement of the applicant to free legal assistance. In the case of applications under Article 10(1) a) and (2) a), the application shall be accompanied only by the documents listed in Article 25.

4 An application under Article 10 may be made in the form recommended and published by the Hague Conference on Private International Law.

#### ARTICLE 12 TRANSMISSION, RECEIPT AND PROCESSING OF APPLICATIONS AND CASES THROUGH CENTRAL AUTHORITIES

1 The Central Authority of the requesting State shall assist the applicant in ensuring that the application is accompanied by all the information and documents known by it to be necessary for consideration of the application.

2 The Central Authority of the requesting State shall, when satisfied that the application complies with the requirements of the Convention, transmit the application on behalf of and with the consent of the applicant to the Central Authority of the requested State. The application shall be accompanied by the transmittal form set out in Annex 1. The Central Authority of the requesting State shall, when requested by the Central Authority of the requested State, provide a complete copy certified by the competent authority in the State of origin of any document specified under Articles 16(3), 25(1) a), b), and d), (3) b) and 30(3).

3 The requested Central Authority shall, within six weeks from the date of receipt of the application, acknowledge receipt in the form set out in Annex 2, and inform the Central Authority of the requesting State what initial steps have been or will be taken to deal with the application, and may request any further necessary documents and information. Within the same six-week period, the requested Central Authority shall provide to the requesting Central Authority the name and contact details of the person or unit responsible for responding to inquiries regarding the progress of the application.

4 Within three months after the acknowledgement, the requested Central Authority shall inform the requesting Central Authority of the status of the application.

5 Requesting and requested Central Authorities shall keep each other informed of –

- a) the person or unit responsible for a particular case;
- b) the progress of the case,

and shall provide timely responses to enquiries.

6 Central Authorities shall process a case as quickly as a proper consideration of the issues will allow.

7 Central Authorities shall employ the most rapid and efficient means of communication at their disposal.

8 A requested Central Authority may refuse to process an application only if it is manifest that the requirements of the Convention are not fulfilled. In such case, that Central Authority shall promptly inform the requesting Central Authority of its reasons for refusal.

9 The requested Central Authority may not reject an application solely on the basis that additional documents or information are needed. However, the requested Central Authority may ask the requesting Central Authority to provide these additional documents or information. If the requesting Central Authority does not do so within three months or a longer period specified by the requested Central Authority, the requested Central Authority may decide that it will no longer process the application. In this case, it shall inform the requesting Central Authority of this decision.

#### ARTICLE 13 MEANS OF COMMUNICATION

Any application made through Central Authorities of the Contracting States in accordance with this Chapter, and any document or information appended thereto or provided by a Central Authority, may not be challenged by the respondent by reason only of the medium or means of communication employed between the Central Authorities concerned.

#### ARTICLE 14 EFFECTIVE ACCESS TO PROCEDURES

1 The requested State shall provide applicants with effective access to procedures, including enforcement and appeal procedures, arising from applications under this Chapter.

2 To provide such effective access, the requested State shall provide free legal assistance in accordance with Articles 14 to 17 unless paragraph 3 applies.

3 The requested State shall not be obliged to provide such free legal assistance if and to the extent that the procedures of that State enable the applicant to make the case without the need for such assistance, and the Central Authority provides such services as are necessary free of charge.

4 Entitlements to free legal assistance shall not be less than those available in equivalent domestic cases.

5 No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in proceedings under the Convention.

#### ARTICLE 15 FREE LEGAL ASSISTANCE FOR CHILD SUPPORT APPLICATIONS

1 The requested State shall provide free legal assistance in respect of all applications by a creditor under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.

2 Notwithstanding paragraph 1, the requested State may, in relation to applications other than those under Article 10(1) a) and b) and the cases covered by Article 20(4), refuse free legal assistance if it considers that, on the merits, the application or any appeal is manifestly unfounded.

#### ARTICLE 16 DECLARATION TO PERMIT USE OF CHILD-CENTRED MEANS TEST

1 Notwithstanding Article 15(1), a State may declare, in accordance with Article 63, that it will provide free legal assistance in respect of applications other than under Article 10(1) a) and b) and the cases covered by Article 20(4), subject to a test based on an assessment of the means of the child.

2 A State shall, at the time of making such a declaration, provide information to the Permanent Bureau of the Hague Conference on Private International Law concerning the manner in which the assessment of the child's means will be carried out, including the financial criteria which would need to be met to satisfy the test.

3 An application referred to in paragraph 1, addressed to a State which has made the declaration referred to in that paragraph, shall include a formal attestation by the applicant stating that the child's means meet the criteria referred to

in paragraph 2. The requested State may only request further evidence of the child's means if it has reasonable grounds to believe that the information provided by the applicant is inaccurate.

4 If the most favourable legal assistance provided for by the law of the requested State in respect of applications under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a child is more favourable than that provided for under paragraphs 1 to 3, the most favourable legal assistance shall be provided.

#### ARTICLE 17 APPLICATIONS NOT QUALIFYING UNDER ARTICLE 15 OR ARTICLE 16

In the case of all applications under this Convention other than those under Article 15 or Article 16 –

- a) the provision of free legal assistance may be made subject to a means or a merits test;
- b) an applicant, who in the State of origin has benefited from free legal assistance, shall be entitled, in any proceedings for recognition or enforcement, to benefit, at least to the same extent, from free legal assistance as provided for by the law of the State addressed under the same circumstances.

#### CHAPTER IV RESTRICTIONS ON BRINGING PROCEEDINGS

##### ARTICLE 18 LIMIT ON PROCEEDINGS

1 Where a decision is made in a Contracting State where the creditor is habitually resident, proceedings to modify the decision or to make a new decision cannot be brought by the debtor in any other Contracting State as long as the creditor remains habitually resident in the State where the decision was made.

2 Paragraph 1 shall not apply –

- a) where, except in disputes relating to maintenance obligations in respect of children, there is agreement in writing between the parties to the jurisdiction of that other Contracting State;
- b) where the creditor submits to the jurisdiction of that other Contracting State either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
- c) where the competent authority in the State of origin cannot, or refuses to, exercise jurisdiction to modify the decision or make a new decision; or
- d) where the decision made in the State of origin cannot be recognised or declared enforceable in the Contracting State where proceedings to modify the decision or make a new decision are contemplated.

#### CHAPTER V RECOGNITION AND ENFORCEMENT

##### ARTICLE 19 SCOPE OF THE CHAPTER

1 This Chapter shall apply to a decision rendered by a judicial or administrative authority in respect of a maintenance obligation. The term “decision” also includes a settlement or agreement concluded before or approved by such an authority. A decision may include automatic adjustment by indexation and a requirement to pay arrears, retroactive maintenance or interest and a determination of costs or expenses.

2 If a decision does not relate solely to a maintenance obligation, the effect of this Chapter is limited to the parts of the decision which concern maintenance obligations.

3 For the purpose of paragraph 1, “administrative authority” means a public body whose decisions, under the law of the State where it is established –

- a) may be made the subject of an appeal to or review by a judicial authority; and
- b) have a similar force and effect to a decision of a judicial authority on the same matter.

4 This Chapter also applies to maintenance arrangements in accordance with Article 30.

5 The provisions of this Chapter shall apply to a request for recognition and enforcement made directly to a competent authority of the State addressed in accordance with Article 37.

#### ARTICLE 20 BASES FOR RECOGNITION AND ENFORCEMENT

1 A decision made in one Contracting State (“the State of origin”) shall be recognised and enforced in other Contracting States if –

- a) the respondent was habitually resident in the State of origin at the time proceedings were instituted;
- b) the respondent has submitted to the jurisdiction either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
- c) the creditor was habitually resident in the State of origin at the time proceedings were instituted;
- d) the child for whom maintenance was ordered was habitually resident in the State of origin at the time proceedings were instituted, provided that the respondent has lived with the child in that State or has resided in that State and provided support for the child there;
- e) except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction in writing by the parties; or
- f) the decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.

2 A Contracting State may make a reservation, in accordance with Article 62, in respect of paragraph 1 c), e) or f).

3 A Contracting State making a reservation under paragraph 2 shall recognise and enforce a decision if its law would in similar factual circumstances confer or would have conferred jurisdiction on its authorities to make such a decision.

4 A Contracting State shall, if recognition of a decision is not possible as a result of a reservation under paragraph 2, and if the debtor is habitually resident in that State, take all appropriate measures to establish a decision for the benefit of the creditor. The preceding sentence shall not apply to direct requests for recognition and enforcement under Article 19(5) or to claims for support referred to in Article 2(1) b).

5 A decision in favour of a child under the age of 18 years which cannot be recognised by virtue only of a reservation in respect of paragraph 1 c), e) or f) shall be accepted as establishing the eligibility of that child for maintenance in the State addressed.

6 A decision shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

#### ARTICLE 21

##### SEVERABILITY AND PARTIAL RECOGNITION AND ENFORCEMENT

1 If the State addressed is unable to recognise or enforce the whole of the decision, it shall recognise or enforce any severable part of the decision which can be so recognised or enforced.

2 Partial recognition or enforcement of a decision can always be applied for.

#### ARTICLE 22

##### GROUND FOR REFUSING RECOGNITION AND ENFORCEMENT

Recognition and enforcement of a decision may be refused if –

- a) recognition and enforcement of the decision is manifestly incompatible with the public policy (“*ordre public*”) of the State addressed;
- b) the decision was obtained by fraud in connection with a matter of procedure;
- c) proceedings between the same parties and having the same purpose are pending before an authority of the State addressed and those proceedings were the first to be instituted;
- d) the decision is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed;
- e) in a case where the respondent has neither appeared nor was represented in proceedings in the State of origin –
  - i) when the law of the State of origin provides for notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard, or
  - ii) when the law of the State of origin does not provide for notice of the proceedings, the respondent did not have proper notice of the decision and an opportunity to challenge or appeal it on fact and law; or
- f) the decision was made in violation of Article 18.

#### ARTICLE 23

##### PROCEDURE ON AN APPLICATION FOR RECOGNITION AND ENFORCEMENT

1 Subject to the provisions of the Convention, the procedures for recognition and enforcement shall be governed by the law of the State addressed.

2 Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either –

- a) refer the application to the competent authority which shall without delay declare the decision enforceable or register the decision for enforcement; or
- b) if it is the competent authority take such steps itself.

3 Where the request is made directly to a competent authority in the State addressed in accordance with Article 19(5), that authority shall without delay declare the decision enforceable or register the decision for enforcement.

4 A declaration or registration may be refused only on the ground set out in Article 22 a). At this stage neither the applicant nor the respondent is entitled to make any submissions.

5 The applicant and the respondent shall be promptly notified of the declaration or registration, made under paragraphs 2 and 3, or the refusal thereof in accordance with paragraph 4, and may bring a challenge or appeal on fact and on a point of law.

6 A challenge or an appeal is to be lodged within 30 days of notification under paragraph 5. If the contesting party is not resident in the Contracting State in which the declaration or registration was made or refused, the challenge or appeal shall be lodged within 60 days of notification.

7 A challenge or appeal may be founded only on the following –

- a) the grounds for refusing recognition and enforcement set out in Article 22;
- b) the bases for recognition and enforcement under Article 20;
- c) the authenticity or integrity of any document transmitted in accordance with Article 25(1) a), b) or d) or (3) b).

8 A challenge or an appeal by a respondent may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.

9 The applicant and the respondent shall be promptly notified of the decision following the challenge or the appeal.

10 A further appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.

11 In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

#### ARTICLE 24

##### ALTERNATIVE PROCEDURE ON AN APPLICATION FOR RECOGNITION AND ENFORCEMENT

1 Notwithstanding Article 23(2) to (11), a State may declare, in accordance with Article 63, that it will apply the procedure for recognition and enforcement set out in this Article.

2 Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either –

- a) refer the application to the competent authority which shall decide on the application for recognition and enforcement; or
- b) if it is the competent authority, take such a decision itself.

3 A decision on recognition and enforcement shall be given by the competent authority after the respondent has been duly and promptly notified of the proceedings and both parties have been given an adequate opportunity to be heard.

4 The competent authority may review the grounds for refusing recognition and enforcement set out in Article 22 a), c) and d) of its own motion. It may review any grounds listed in Articles 20, 22 and 23(7) c) if raised by the respondent or if concerns relating to those grounds arise from the face of the documents submitted in accordance with Article 25.

5 A refusal of recognition and enforcement may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.

6 Any appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.

7 In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

#### ARTICLE 25 DOCUMENTS

1 An application for recognition and enforcement under Article 23 or Article 24 shall be accompanied by the following –

- a) a complete text of the decision;

- b) a document stating that the decision is enforceable in the State of origin and, in the case of a decision by an administrative authority, a document stating that the requirements of Article 19(3) are met unless that State has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements;
- c) if the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it on fact and law;
- d) where necessary, a document showing the amount of any arrears and the date such amount was calculated;
- e) where necessary, in the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;
- f) where necessary, documentation showing the extent to which the applicant received free legal assistance in the State of origin.

2 Upon a challenge or appeal under Article 23(7) c) or upon request by the competent authority in the State addressed, a complete copy of the document concerned, certified by the competent authority in the State of origin, shall be provided promptly –

- a) by the Central Authority of the requesting State, where the application has been made in accordance with Chapter III;
- b) by the applicant, where the request has been made directly to a competent authority of the State addressed.

3 A Contracting State may specify in accordance with Article 57 –

- a) that a complete copy of the decision certified by the competent authority in the State of origin must accompany the application;
- b) circumstances in which it will accept, in lieu of a complete text of the decision, an abstract or extract of the decision drawn up by the competent authority of the State of origin, which may be made in the form recommended and published by the Hague Conference on Private International Law; or
- c) that it does not require a document stating that the requirements of Article 19(3) are met.

#### ARTICLE 26 PROCEDURE ON AN APPLICATION FOR RECOGNITION

This Chapter shall apply *mutatis mutandis* to an application for recognition of a decision, save that the requirement of enforceability is replaced by the requirement that the decision has effect in the State of origin.

#### ARTICLE 27 FINDINGS OF FACT

Any competent authority of the State addressed shall be bound by the findings of fact on which the authority of the State of origin based its jurisdiction.

#### ARTICLE 28 NO REVIEW OF THE MERITS

There shall be no review by any competent authority of the State addressed of the merits of a decision.

#### ARTICLE 29 PHYSICAL PRESENCE OF THE CHILD OR THE APPLICANT NOT REQUIRED

The physical presence of the child or the applicant shall not be required in any proceedings in the State addressed under this Chapter.

#### ARTICLE 30 MAINTENANCE ARRANGEMENTS

1 A maintenance arrangement made in a Contracting State shall be entitled to recognition and enforcement as a decision under this Chapter provided that it is enforceable as a decision in the State of origin.

2 For the purpose of Article 10(1) a) and b) and (2) a), the term “decision” includes a maintenance arrangement.

3 An application for recognition and enforcement of a maintenance arrangement shall be accompanied by the following –

- a) complete text of the maintenance arrangement; and
- b) a document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin.

4 Recognition and enforcement of a maintenance arrangement may be refused if –



- a) the recognition and enforcement is manifestly incompatible with the public policy of the State addressed;
- b) the maintenance arrangement was obtained by fraud or falsification;
- c) the maintenance arrangement is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed.

5 The provisions of this Chapter, with the exception of Articles 20, 22, 23(7) and 25(1) and (3), shall apply *mutatis mutandis* to the recognition and enforcement of a maintenance arrangement save that –

- a) a declaration or registration in accordance with Article 23(2) and (3) may be refused only on the ground set out in paragraph 4 a);
- b) a challenge or appeal as referred to in Article 23(6) may be founded only on the following –
  - i) the grounds for refusing recognition and enforcement set out in paragraph 4,
  - ii) the authenticity or integrity of any document transmitted in accordance with paragraph 3;
- c) as regards the procedure under Article 24(4), the competent authority may review of its own motion the ground for refusing recognition and enforcement set out in paragraph 4 a) of this Article. It may review all grounds listed in paragraph 4 of this Article and the authenticity or integrity of any document transmitted in accordance with paragraph 3 if raised by the respondent or if concerns relating to those grounds arise from the face of those documents.

6 Proceedings for recognition and enforcement of a maintenance arrangement shall be suspended if a challenge concerning the arrangement is pending before a competent authority of a Contracting State.

7 A State may declare, in accordance with Article 63, that applications for recognition and enforcement of a maintenance arrangement shall only be made through Central Authorities.

8 A Contracting State may, in accordance with Article 62, reserve the right not to recognise and enforce a maintenance arrangement.

#### ARTICLE 31

##### DECISIONS PRODUCED BY THE COMBINED EFFECT OF PROVISIONAL AND CONFIRMATION ORDERS

Where a decision is produced by the combined effect of a provisional order made in one State and an order by an authority in another State (“the confirming State”) confirming the provisional order –

- a) each of those States shall be deemed for the purposes of this Chapter to be a State of origin;
- b) the requirements of Article 22 e) shall be met if the respondent had proper notice of the proceedings in the confirming State and an opportunity to oppose the confirmation of the provisional order;
- c) the requirement of Article 20(6) that a decision be enforceable in the State of origin shall be met if the decision is enforceable in the confirming State; and
- d) Article 18 shall not prevent proceedings for the modification of the decision being commenced in either State.

#### CHAPTER VI

##### ENFORCEMENT BY THE STATE ADDRESSED

#### ARTICLE 32

##### ENFORCEMENT UNDER INTERNAL LAW

1 Subject to the provisions of this Chapter, enforcement shall take place in accordance with the law of the State addressed.

2 Enforcement shall be prompt.

3 In the case of applications through Central Authorities, where a decision has been declared enforceable or registered for enforcement under Chapter V, enforcement shall proceed without the need for further action by the applicant.

4 Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation.

5 Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period.

#### ARTICLE 33

##### NON-DISCRIMINATION

The State addressed shall provide at least the same range of enforcement methods for cases under the Convention as are available in domestic cases.

ARTICLE 34  
ENFORCEMENT MEASURES

1 Contracting States shall make available in internal law effective measures to enforce decisions under this Convention.

2 Such measures may include –

- a) wage withholding;
- b) garnishment from bank accounts and other sources;
- c) deductions from social security payments;
- d) lien on or forced sale of property;
- e) tax refund withholding;
- f) withholding or attachment of pension benefits;
- g) credit bureau reporting;
- h) denial, suspension or revocation of various licenses (for example, driving licenses);
- i) the use of mediation, conciliation or similar processes to bring about voluntary compliance.

ARTICLE 35  
TRANSFER OF FUNDS

1 Contracting States are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance.

2 A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under this Convention.

CHAPTER VII  
PUBLIC BODIES

ARTICLE 36  
PUBLIC BODIES AS APPLICANTS

1 For the purposes of applications for recognition and enforcement under Article 10(1) a) and b) and cases covered by Article 20(4), “creditor” includes a public body acting in place of an individual to whom maintenance is owed or one to which reimbursement is owed for benefits provided in place of maintenance.

2 The right of a public body to act in place of an individual to whom maintenance is owed or to seek reimbursement of benefits provided to the creditor in place of maintenance shall be governed by the law to which the body is subject.

3 A public body may seek recognition or claim enforcement of –

- a) a decision rendered against a debtor on the application of a public body which claims payment of benefits provided in place of maintenance;
- b) a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.

4 The public body seeking recognition or claiming enforcement of a decision shall upon request furnish any document necessary to establish its right under paragraph 2 and that benefits have been provided to the creditor.

CHAPTER VIII  
GENERAL PROVISIONS

ARTICLE 37  
DIRECT REQUESTS TO COMPETENT AUTHORITIES

1 The Convention shall not exclude the possibility of recourse to such procedures as may be available under the internal law of a Contracting State allowing a person (an applicant) to seize directly a competent authority of that State in a matter governed by the Convention including, subject to Article 18, for the purpose of having a maintenance decision established or modified.

2 Articles 14(5) and 17 b) and the provisions of Chapters V, VI, VII and this Chapter, with the exception of Articles 40(2), 42, 43(3), 44(3), 45 and 55, shall apply in relation to a request for recognition and enforcement made directly to a competent authority in a Contracting State.

3 For the purpose of paragraph 2, Article 2(1) a) shall apply to a decision granting maintenance to a vulnerable person over the age specified in that sub-paragraph where such decision was rendered before the person reached that age and provided for maintenance beyond that age by reason of the impairment.

ARTICLE 38  
PROTECTION OF PERSONAL DATA

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which they were gathered or transmitted.

ARTICLE 39  
CONFIDENTIALITY

Any authority processing information shall ensure its confidentiality in accordance with the law of its State.

ARTICLE 40  
NON-DISCLOSURE OF INFORMATION

1 An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person.

2 A determination to this effect made by one Central Authority shall be taken into account by another Central Authority, in particular in cases of family violence.

3 Nothing in this Article shall impede the gathering and transmitting of information by and between authorities in so far as necessary to carry out the obligations under the Convention.

ARTICLE 41  
NO LEGALISATION

No legalisation or similar formality may be required in the context of this Convention.

ARTICLE 42  
POWER OF ATTORNEY

The Central Authority of the requested State may require a power of attorney from the applicant only if it acts on his or her behalf in judicial proceedings or before other authorities, or in order to designate a representative so to act.

ARTICLE 43  
RECOVERY OF COSTS

1 Recovery of any costs incurred in the application of this Convention shall not take precedence over the recovery of maintenance.

2 A State may recover costs from an unsuccessful party.

3 For the purposes of an application under Article 10(1) b) to recover costs from an unsuccessful party in accordance with paragraph 2, the term “creditor” in Article 10(1) shall include a State.

4 This Article shall be without prejudice to Article 8.

ARTICLE 44  
LANGUAGE REQUIREMENTS

1 Any application and related documents shall be in the original language, and shall be accompanied by a translation into an official language of the requested State or another language which the requested State has indicated, by way of declaration in accordance with Article 63, it will accept, unless the competent authority of that State dispenses with translation.

2 A Contracting State which has more than one official language and cannot, for reasons of internal law, accept for the whole of its territory documents in one of those languages shall, by declaration in accordance with Article 63, specify the language in which such documents or translations thereof shall be drawn up for submission in the specified parts of its territory.

3 Unless otherwise agreed by the Central Authorities, any other communications between such Authorities shall be in an official language of the requested State or in either English or French. However, a Contracting State may, by making a reservation in accordance with Article 62, object to the use of either English or French.

ARTICLE 45  
MEANS AND COSTS OF TRANSLATION

1 In the case of applications under Chapter III, the Central Authorities may agree in an individual case or generally that the translation into an official language of the requested State may be made in the requested State from the original language or from any other agreed language. If there is no agreement and it is not possible for the requesting Central Authority to comply with the requirements of Article 44(1) and (2), then the application and related documents may be transmitted with translation into English or French for further translation into an official language of the requested State.

2 The cost of translation arising from the application of paragraph 1 shall be borne by the requesting State unless otherwise agreed by Central Authorities of the States concerned.

3 Notwithstanding Article 8, the requesting Central Authority may charge an applicant for the costs of translation of an application and related documents, except in so far as those costs may be covered by its system of legal assistance.

ARTICLE 46  
NON-UNIFIED LEGAL SYSTEMS – INTERPRETATION

1 In relation to a State in which two or more systems of law or sets of rules of law with regard to any matter dealt with in this Convention apply in different territorial units –

- a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
- b) any reference to a decision established, recognised, recognised and enforced, enforced or modified in that State shall be construed as referring, where appropriate, to a decision established, recognised, recognised and enforced, enforced or modified in the relevant territorial unit;
- c) any reference to a judicial or administrative authority in that State shall be construed as referring, where appropriate, to a judicial or administrative authority in the relevant territorial unit;
- d) any reference to competent authorities, public bodies, and other bodies of that State, other than Central Authorities, shall be construed as referring, where appropriate, to those authorised to act in the relevant territorial unit;
- e) any reference to residence or habitual residence in that State shall be construed as referring, where appropriate, to residence or habitual residence in the relevant territorial unit;
- f) any reference to location of assets in that State shall be construed as referring, where appropriate, to the location of assets in the relevant territorial unit;
- g) any reference to a reciprocity arrangement in force in a State shall be construed as referring, where appropriate, to a reciprocity arrangement in force in the relevant territorial unit;
- h) any reference to free legal assistance in that State shall be construed as referring, where appropriate, to free legal assistance in the relevant territorial unit;
- i) any reference to a maintenance arrangement made in a State shall be construed as referring, where appropriate, to a maintenance arrangement made in the relevant territorial unit;
- j) any reference to recovery of costs by a State shall be construed as referring, where appropriate, to the recovery of costs by the relevant territorial unit.

2 This Article shall not apply to a Regional Economic Integration Organisation.

ARTICLE 47  
NON-UNIFIED LEGAL SYSTEMS – SUBSTANTIVE RULES

1 A Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.

2 A competent authority in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a decision from another Contracting State solely because the decision has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.

3 This Article shall not apply to a Regional Economic Integration Organisation.

ARTICLE 48  
CO-ORDINATION WITH PRIOR HAGUE MAINTENANCE CONVENTIONS

In relations between the Contracting States, this Convention replaces, subject to Article 56(2), the *Hague Convention of 2 October 1973 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations* and the *Hague Convention of 15 April 1958 concerning the recognition and enforcement of decisions relating to maintenance obligations towards children* in so far as their scope of application as between such States coincides with the scope of application of this Convention.

ARTICLE 49  
CO-ORDINATION WITH THE 1956 NEW YORK CONVENTION

In relations between the Contracting States, this Convention replaces the United Nations Convention on the Recovery Abroad of Maintenance of 20 June 1956, in so far as its scope of application as between such States coincides with the scope of application of this Convention.

## ARTICLE 50

## RELATIONSHIP WITH PRIOR HAGUE CONVENTIONS ON SERVICE OF DOCUMENTS AND TAKING OF EVIDENCE

This Convention does not affect the *Hague Convention of 1 March 1954 on civil procedure*, the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* and the *Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*.

## ARTICLE 51

## CO-ORDINATION OF INSTRUMENTS AND SUPPLEMENTARY AGREEMENTS

1 This Convention does not affect any international instrument concluded before this Convention to which Contracting States are Parties and which contains provisions on matters governed by this Convention.

2 Any Contracting State may conclude with one or more Contracting States agreements, which contain provisions on matters governed by the Convention, with a view to improving the application of the Convention between or among themselves, provided that such agreements are consistent with the objects and purpose of the Convention and do not affect, in the relationship of such States with other Contracting States, the application of the provisions of the Convention. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.

3 Paragraphs 1 and 2 shall also apply to reciprocity arrangements and to uniform laws based on special ties between the States concerned.

4 This Convention shall not affect the application of instruments of a Regional Economic Integration Organisation that is a Party to this Convention, adopted after the conclusion of the Convention, on matters governed by the Convention provided that such instruments do not affect, in the relationship of Member States of the Regional Economic Integration Organisation with other Contracting States, the application of the provisions of the Convention. As concerns the recognition or enforcement of decisions as between Member States of the Regional Economic Integration Organisation, the Convention shall not affect the rules of the Regional Economic Integration Organisation, whether adopted before or after the conclusion of the Convention.

## ARTICLE 52

## MOST EFFECTIVE RULE

1 This Convention shall not prevent the application of an agreement, arrangement or international instrument in force between the requesting State and the requested State, or a reciprocity arrangement in force in the requested State that provides for –

- a) broader bases for recognition of maintenance decisions, without prejudice to Article 22 f) of the Convention;
- b) simplified, more expeditious procedures on an application for recognition or recognition and enforcement of maintenance decisions;
- c) more beneficial legal assistance than that provided for under Articles 14 to 17; or
- d) procedures permitting an applicant from a requesting State to make a request directly to the Central Authority of the requested State.

2 This Convention shall not prevent the application of a law in force in the requested State that provides for more effective rules as referred to in paragraph 1 a) to c). However, as regards simplified, more expeditious procedures referred to in paragraph 1 b), they must be compatible with the protection offered to the parties under Articles 23 and 24, in particular as regards the rights of the parties to be duly notified of the proceedings and be given adequate opportunity to be heard and as regards the effects of any challenge or appeal.

## ARTICLE 53

## UNIFORM INTERPRETATION

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

## ARTICLE 54

## REVIEW OF PRACTICAL OPERATION OF THE CONVENTION

1 The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention and to encourage the development of good practices under the Convention.

2 For the purpose of such review, Contracting States shall co-operate with the Permanent Bureau of the Hague Conference on Private International Law in the gathering of information, including statistics and case law, concerning the practical operation of the Convention.

ARTICLE 55  
AMENDMENT OF FORMS

1 The forms annexed to this Convention may be amended by a decision of a Special Commission convened by the Secretary General of the Hague Conference on Private International Law to which all Contracting States and all Members shall be invited. Notice of the proposal to amend the forms shall be included in the agenda for the meeting.

2 Amendments adopted by the Contracting States present at the Special Commission shall come into force for all Contracting States on the first day of the seventh calendar month after the date of their communication by the depositary to all Contracting States.

3 During the period provided for in paragraph 2 any Contracting State may by notification in writing to the depositary make a reservation, in accordance with Article 62, with respect to the amendment. The State making such reservation shall, until the reservation is withdrawn, be treated as a State not Party to the present Convention with respect to that amendment.

ARTICLE 56  
TRANSITIONAL PROVISIONS

1 The Convention shall apply in every case where –

- a) a request pursuant to Article 7 or an application pursuant to Chapter III has been received by the Central Authority of the requested State after the Convention has entered into force between the requesting State and the requested State;
- b) a direct request for recognition and enforcement has been received by the competent authority of the State addressed after the Convention has entered into force between the State of origin and the State addressed.

2 With regard to the recognition and enforcement of decisions between Contracting States to this Convention that are also Parties to either of the Hague Maintenance Conventions mentioned in Article 48, if the conditions for the recognition and enforcement under this Convention prevent the recognition and enforcement of a decision given in the State of origin before the entry into force of this Convention for that State, that would otherwise have been recognised and enforced under the terms of the Convention that was in effect at the time the decision was rendered, the conditions of that Convention shall apply.

3 The State addressed shall not be bound under this Convention to enforce a decision or a maintenance arrangement, in respect of payments falling due prior to the entry into force of the Convention between the State of origin and the State addressed, except for maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.

ARTICLE 57  
PROVISION OF INFORMATION CONCERNING LAWS, PROCEDURES AND SERVICES

1 A Contracting State, by the time its instrument of ratification or accession is deposited or a declaration is submitted in accordance with Article 61 of the Convention, shall provide the Permanent Bureau of the Hague Conference on Private International Law with –

- a) a description of its laws and procedures concerning maintenance obligations;
- b) a description of the measures it will take to meet the obligations under Article 6;
- c) a description of how it will provide applicants with effective access to procedures, as required under Article 14;
- d) a description of its enforcement rules and procedures, including any limitations on enforcement, in particular debtor protection rules and limitation periods;
- e) any specification referred to in Article 25(1) b) and (3).

2 Contracting States may, in fulfilling their obligations under paragraph 1, utilise a country profile form recommended and published by the Hague Conference on Private International Law.

3 Information shall be kept up to date by the Contracting States.

CHAPTER IX  
FINAL PROVISIONS

ARTICLE 58  
SIGNATURE, RATIFICATION AND ACCESSION

1 The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Twenty-First Session and by the other States which participated in that Session.

2 It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

3 Any other State or Regional Economic Integration Organisation may accede to the Convention after it has entered into force in accordance with Article 60(1).

4 The instrument of accession shall be deposited with the depositary.

5 Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the 12 months after the date of the notification referred to in Article 65. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

#### ARTICLE 59 REGIONAL ECONOMIC INTEGRATION ORGANISATIONS

1 A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by the Convention.

2 The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.

3 At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare in accordance with Article 63 that it exercises competence over all the matters governed by this Convention and that the Member States which have transferred competence to the Regional Economic Integration Organisation in respect of the matter in question shall be bound by this Convention by virtue of the signature, acceptance, approval or accession of the Organisation.

4 For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation makes a declaration in accordance with paragraph 3.

5 Any reference to a “Contracting State” or “State” in this Convention shall apply equally to a Regional Economic Integration Organisation that is a Party to it, where appropriate. In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 3, any reference to a “Contracting State” or “State” in this Convention shall apply equally to the relevant Member States of the Organisation, where appropriate.

#### ARTICLE 60 ENTRY INTO FORCE

1 The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the second instrument of ratification, acceptance or approval referred to in Article 58.

2 Thereafter the Convention shall enter into force –

- a) for each State or Regional Economic Integration Organisation referred to in Article 59(1) subsequently ratifying, accepting or approving it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance or approval;
- b) for each State or Regional Economic Integration Organisation referred to in Article 58(3) on the day after the end of the period during which objections may be raised in accordance with Article 58(5);
- c) for a territorial unit to which the Convention has been extended in accordance with Article 61, on the first day of the month following the expiration of three months after the notification referred to in that Article.

#### ARTICLE 61 DECLARATIONS WITH RESPECT TO NON-UNIFIED LEGAL SYSTEMS

1 If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare in accordance with Article 63 that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

2 Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.

3 If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.

4 This Article shall not apply to a Regional Economic Integration Organisation.

ARTICLE 62  
RESERVATIONS

1 Any Contracting State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 61, make one or more of the reservations provided for in Articles 2(2), 20(2), 30(8), 44(3) and 55(3). No other reservation shall be permitted.

2 Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the depositary.

3 The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in paragraph 2.

4 Reservations under this Article shall have no reciprocal effect with the exception of the reservation provided for in Article 2(2).

ARTICLE 63  
DECLARATIONS

1 Declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1), may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.

2 Declarations, modifications and withdrawals shall be notified to the depositary.

3 A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.

4 A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months after the date on which the notification is received by the depositary.

ARTICLE 64  
DENUNCIATION

1 A Contracting State to the Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a multi-unit State to which the Convention applies.

2 The denunciation shall take effect on the first day of the month following the expiration of 12 months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

ARTICLE 65  
NOTIFICATION

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded in accordance with Articles 58 and 59 of the following –

- a) the signatures, ratifications, acceptances and approvals referred to in Articles 58 and 59;
- b) the accessions and objections raised to accessions referred to in Articles 58(3) and (5) and 59;
- c) the date on which the Convention enters into force in accordance with Article 60;
- d) the declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1);
- e) the agreements referred to in Article 51(2);
- f) the reservations referred to in Articles 2(2), 20(2), 30(8), 44(3) and 55(3), and the withdrawals referred to in Article 62(2);
- g) the denunciations referred to in Article 64.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Convention.

DONE at The Hague, on the 23rd day of November 2007, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Members of the Hague Conference on Private International Law at the date of its Twenty-First Session and to each of the other States which have participated in that Session.

ANNEX 1  
TRANSMITTAL FORM UNDER ARTICLE 12(2)



**ANNEX 1**

**Transmittal form under Article 12(2)**

**CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE**

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.

<p>1. Requesting Central Authority</p> <p>a. Address</p> <p>b. Telephone number</p> <p>c. Fax number</p> <p>d. E-mail</p> <p>e. Reference number</p>	<p>2. Contact person in requesting State</p> <p>a. Address (if different)</p> <p>b. Telephone number (if different)</p> <p>c. Fax number (if different)</p> <p>d. E-mail (if different)</p> <p>e. Language(s)</p>
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3. Requested Central Authority  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Particulars of the applicant

a. Family name(s): \_\_\_\_\_

b. Given name(s): \_\_\_\_\_

c. Date of birth: \_\_\_\_\_ (dd/mm/yyyy)

or

a. Name of the public body: \_\_\_\_\_  
\_\_\_\_\_

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## 5. Particulars of the person(s) for whom maintenance is sought or payable

a.  The person is the same as the applicant named in point 4

b. i. Family name(s): \_\_\_\_\_

Given name(s): \_\_\_\_\_

Date of birth: \_\_\_\_\_ (dd/mm/yyyy)

ii. Family name(s): \_\_\_\_\_

Given name(s): \_\_\_\_\_

Date of birth: \_\_\_\_\_ (dd/mm/yyyy)

iii. Family name(s): \_\_\_\_\_

Given name(s): \_\_\_\_\_

Date of birth: \_\_\_\_\_ (dd/mm/yyyy)

6. Particulars of the debtor<sup>1</sup>a.  The person is the same as the applicant named in point 4

b. Family name(s): \_\_\_\_\_

c. Given name(s): \_\_\_\_\_

d. Date of birth: \_\_\_\_\_ (dd/mm/yyyy)

## 7. This transmittal form concerns and is accompanied by an application under

 Article 10(1)(a) Article 10(1)(b) Article 10(1)(c) Article 10(1)(d) Article 10(1)(e) Article 10(1)(f) Article 10(2)(a) Article 10(2)(b) Article 10(2)(c)

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<sup>1</sup> According to Art. 3 of the Convention ""debtor" means an individual who owes or who is alleged to owe maintenance".

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b. For the purpose of an application under Article 10(1)(b), (c), (d), (e), (f) and (2)(a), (b) or (c), the following number of supporting documents (excluding the transmittal form and the application itself) in accordance with Article 11(3):

- Article 10(1)(b) \_\_\_\_\_
- Article 10(1)(c) \_\_\_\_\_
- Article 10(1)(d) \_\_\_\_\_
- Article 10(1)(e) \_\_\_\_\_
- Article 10(1)(f) \_\_\_\_\_
- Article 10(2)(a) \_\_\_\_\_
- Article 10(2)(b) \_\_\_\_\_
- Article 10(2)(c) \_\_\_\_\_

Name: \_\_\_\_\_ (in block letters)  
          Authorized representative of the Central Authority

Date: \_\_\_\_\_  
          (dd/mm/yyyy)

ANNEX 2  
ACKNOWLEDGEMENT FORM UNDER ARTICLE 12(3)

**ANNEX 2**

**Acknowledgement form under Article 12(3)**

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.

<p>1. Requesting Central Authority</p> <p>a. Address</p> <p>b. Telephone number</p> <p>c. Fax number</p> <p>d. E-mail</p> <p>e. Reference number</p>	<p>2. Contact person in requesting State</p> <p>a. Address (if different)</p> <p>b. Telephone number (if different)</p> <p>c. Fax number (if different)</p> <p>d. E-mail (if different)</p> <p>e. Language(s)</p>
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3. Requested Central Authority \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

4. The requested Central Authority acknowledges receipt on \_\_\_\_\_ (dd/mm/yyyy) of the transmittal form from the requesting Central Authority (reference number \_\_\_\_\_); dated \_\_\_\_\_ (dd/mm/yyyy) concerning the following application under:

- Article 10(1)(a)
- Article 10(1)(b)
- Article 10(1)(c)
- Article 10(1)(d)
- Article 10(1)(e)
- Article 10(1)(f)
- Article 10(2)(a)
- Article 10(2)(b)
- Article 10(2)(c)

Family name(s) of applicant: \_\_\_\_\_

Family name(s) of the person(s) for whom maintenance is sought or payable: \_\_\_\_\_

\_\_\_\_\_

Family name(s) of debtor: \_\_\_\_\_

5. Initial steps taken by the requested Central Authority:

- The file is complete and is under consideration
  - See attached status of application report
  - Status of application report will follow
- Please provide the following additional information and/or documentation: \_\_\_\_\_

\_\_\_\_\_

- The requested Central Authority refuses to process this application as it is manifest that the requirements of the Convention are not fulfilled (Art. 12(8)). The reasons:
  - are set out in an attached document
  - will be set out in a document to follow

\_\_\_\_\_

The requested Central Authority requests that the requesting Central Authority inform it of any change in the status of the application.

Name: \_\_\_\_\_ (in block letters)  
 Authorised representative of the Central Authority

Date: \_\_\_\_\_  
 (dd/mm/yyyy)

**SCHEDULE 17  
LIMITED PARTNERSHIPS ACT**

**1 Section 4 of the *Limited Partnerships Act* is amended by adding the following subsections:**

**Format of records**

(1.1) The record of limited partners may be maintained in any form provided that the record is capable of being reproduced in an accurate and intelligible form within a reasonable time.

**Same, inspection by remote means**

(3.1) A general partner may, but is not required to, permit any person to inspect the record of limited partners remotely at any time by means of any technology and may also permit the person to make copies or take extracts by such means.

**Same, no charge for inspection, copies or extracts**

(3.2) If a general partner permits a person to inspect the record of limited partners or make copies or take extracts in accordance with subsection (3.1), the general partner shall not charge the person for the inspection or the copies or extracts.

**2 Section 10 of the Act is amended by adding the following subsection:**

**Inspection by remote means**

(2) A general partner may, but is not required to, permit a limited partner to inspect the limited partnership books remotely at any time by means of any technology and may also permit the limited partner to make copies or take extracts by such means.

**3 (1) Section 25 of the Act is amended by adding the following subsections:**

**Inspection by remote means**

(6.0.0.1) The attorney and representative may, but is not required to, permit any person to inspect the power of attorney remotely at any time by means of any technology and may also permit the person to make a copy by such means.

**Same**

(6.0.0.2) If the attorney and representative permits a person to inspect the power of attorney or make copies in accordance with subsection (6.0.0.1), the attorney and representative shall not charge the person for the inspection or the copies.

**(2) Subsection 25 (6.2) of the Act is amended by striking out “Subsections (4), (5) and (6)” at the beginning and substituting “Subsections (4), (5), (6), (6.0.0.1) and (6.0.0.2)”.**

**4 Section 26 of the Act is amended by adding the following subsections:**

**Format of record**

(1.1) The record of limited partners may be maintained in any form provided that the record is capable of being reproduced in an accurate and intelligible form within a reasonable time.

**Inspection by remote means**

(4.1) A general partner or, if subsection (3) applies, the attorney and representative in Ontario of the extra-provincial limited partnership may, but is not required to, permit any person to inspect the record of limited partners remotely at any time by means of any technology and may also permit the person to make copies or take extracts by such means.

**5 Section 33 of the Act is amended by adding the following subsection:**

**Inspection by remote means**

(5) A general partner or, if subsection (2) applies, the attorney and representative in Ontario of the extra-provincial limited partnership may, but is not required to, permit,

- (a) a partner to inspect any or all of the documents referred to in subsection (1) remotely at any time by means of any technology; or
- (b) any other person who has a business relationship with the partnership to inspect any or all of the documents referred to in clauses (1) (b), (c), (d) and (e) remotely at any time by means of any technology.

**6 Subsection 35.1 (1) of the Act is amended by adding the following clause:**

- (q) governing inspections of the record of limited partners under section 4, the limited partnership books under section 10, the power of attorney under section 25, the record of limited partners under section 26 and documents under section 33.

**Commencement**

**7 This Schedule comes into force on October 1, 2023.**

**SCHEDULE 18**  
**MCMICHAEL CANADIAN ART COLLECTION ACT**

**1 The *McMichael Canadian Art Collection Act* is amended by adding the following section:**

**Immunity of trustees**

**15** (1) No cause of action arises against a trustee of the Corporation as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a trustee of the Corporation by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Corporation preserved**

(3) Subsections (1) and (2) do not relieve the Corporation of any liability to which it would otherwise be subject.

**Commencement**

**2 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**



**SCHEDULE 19**  
**METROPOLITAN TORONTO CONVENTION CENTRE CORPORATION ACT**

**1 Subsection 2 (4) of the *Metropolitan Toronto Convention Centre Corporation Act* is repealed and the following substituted:**

**Term of office**

(4) Each member of the Corporation appointed under clause (3) (a) shall hold office for a term not exceeding three years and is eligible for reappointment.

**Same**

(5) Each member of the Corporation appointed under clause (3) (b) shall hold office for a term not exceeding three years and until his or her successor is appointed and is eligible for reappointment.

**2 Subsection 3 (2) of the Act is amended by striking out “and another of the directors as president and chief executive officer of the Corporation” at the end.**

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

(3) The Board shall appoint a chief executive officer who is responsible for the management and administration of the affairs of the Corporation, subject to the supervision and direction of the Board.

(4) The chief executive officer shall not be a member of the Board.

**Commencement**

**4 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 20  
MOTOR VEHICLE ACCIDENT CLAIMS ACT**

**1 (1) Section 2 of the *Motor Vehicle Accident Claims Act* is amended by adding the following subsections:**

**Public Accounts**

(1.1) The Fund shall be reported as an account in the Public Accounts.

**Amounts recorded in the Fund**

(1.2) The following amounts shall be recorded in the Fund:

1. The amount of the balance in the Fund on April 1, 2022.
2. The amount of fees referred to in subsection (2) that are paid to the Fund.
3. All expenditures of public money incurred under subsection (3).
4. Amounts credited to the Fund in accordance with subsection (5).
5. Interest credited to the Fund in accordance with subsection (5.1).
6. Amounts assessed against insurers in accordance with subsection (6).
7. Amounts recovered by or on behalf of the Minister in respect of the Fund, including amounts received in respect of actions, proceedings, settlements, cost awards, recoveries, reimbursements and payments made by debtors owing money to the Fund.

**(2) Subsections 2 (3), (4) and (5) of the Act are repealed and the following substituted:**

**Authorized charges**

(3) Amounts not exceeding the balance in the Fund may be charged to the Fund and paid out of the Consolidated Revenue Fund for the following purposes:

1. To fund expenses incurred by the Crown in connection with amounts that the Minister is permitted or required to pay under this Act.
2. To fund expenses incurred by the Crown in connection with the administration of the Fund.
3. To reimburse the Crown for expenditures incurred by the Crown, directly or indirectly, for any purpose described in paragraph 1 or 2.

**Same**

(4) Funding or reimbursements described in subsection (3) may be provided in respect of expenditures incurred by the Crown before the day subsection 1 (2) of Schedule 20 to the *Less Red Tape, Stronger Economy Act, 2023* came into force.

**Fund may be subsidized**

(5) Treasury Board, having regard to the Fund's condition, expenditures and forecasted liability, may direct that the Fund be credited with such an amount as may be considered necessary or advisable to subsidize the Fund.

**Interest credited to Fund**

(5.1) Interest shall be credited to the Fund at such rate, at such times and computed in such manner as determined by the Lieutenant Governor in Council.

**Liabilities**

(5.2) Amounts in satisfaction of any liabilities of the Fund incurred up to and including April 1, 2022 are a charge upon and payable out of the Consolidated Revenue Fund.

**Same**

(5.3) Any payment in respect of a liability described in subsection (5.2) is deemed to be a charge to the Fund, even though it is paid out of the Consolidated Revenue Fund.

**2022-23 Public Accounts**

(5.4) The Fund may be reported in the Public Accounts for the fiscal year ending March 31, 2023 as if this section, as it read on the day subsection 1 (2) of Schedule 20 to the *Less Red Tape, Stronger Economy Act, 2023* came into force, were in effect during that year.

**(3) The French version of the definition of "insurer" in subsection 2 (12) of the Act is amended by striking out "au sens de" and substituting "au sens de la définition donnée à ce terme dans".**

**2 The French version of section 21 of the Act is amended by adding "responsable" after "personnellement".**

**Commencement**

**3 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

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

**SCHEDULE 21  
NIAGARA PARKS ACT**

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

**Composition**

- (2) The Commission shall consist of not fewer than ten and not more than twelve members of whom,
- (a) not more than eight shall be appointed by the Lieutenant Governor in Council;
  - (b) one member shall be appointed annually by resolution of the council of the Regional Municipality of Niagara;
  - (c) one member shall be appointed annually by resolution of the council of the Town of Fort Erie;
  - (d) one member shall be appointed annually by resolution of the council of the City of Niagara Falls; and
  - (e) one member shall be appointed annually by resolution of the council of the Town of Niagara-on-the-Lake.

**2 Section 7 of the Act is repealed and the following substituted:**

**Acquisition of land**

7 (1) Subject to the approval of the Lieutenant Governor in Council, the Commission may do the following:

1. Acquire by purchase, lease or otherwise any land or any interest in land.
2. Without the consent of the owner, enter upon, take and expropriate any land or any interest in land.
3. Sell or otherwise dispose of any land or any interest in land.

**Easement**

(2) Despite subsection (1), the Commission may dispose of an interest in land by the grant of an easement without the approval of the Lieutenant Governor in Council.

**3 The Act is amended by adding the following section:**

**Immunity of members**

25 (1) No cause of action arises against a member of the Commission as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a member of the Commission by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Commission preserved**

(3) Subsections (1) and (2) do not relieve the Commission of any liability to which it would otherwise be subject.

**Commencement**

**4 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 22**  
**NOT-FOR-PROFIT CORPORATIONS ACT, 2010**

**1** The English version of the definition of “telephonic or electronic means” in subsection 1 (1) of the *Not-for-Profit Corporations Act, 2010* is amended by striking out “e-mail, automated touch-tone telephone system” and substituting “email, an automated touch-tone telephone system”.

**2 (1)** Subsection 32 (2) of the Act is amended by striking out “stating the time and place of the meeting” at the end and substituting “stating the time and, if applicable, the place of the meeting”.

**(2)** Section 32 of the Act is amended by adding the following subsection:

**Instructions re attending meeting by telephonic, etc. means**

(5) If the directors may attend the first meeting of the directors by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**3 (1)** Section 34 of the Act is amended by adding the following subsections:

**When notice need not specify place of meeting**

(3.1) A notice of a meeting of directors need not specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(3.2) If the directors may attend a meeting by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**(2)** Subsections 34 (5) and (6) of the Act are repealed and the following substituted:

**Adjourned meeting**

(5) Notice of a meeting that continues an adjourned meeting of directors is not required to be given if all of the following are announced at the time of an adjournment:

1. The time of the continued meeting.
2. If applicable, the place of the continued meeting.
3. If applicable, instructions for attending and participating in the continued meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**Meeting by telephonic or electronic means**

(6) Subject to the articles or by-laws and subsection (8), a meeting of directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, articles, etc.**

(7) In addition to any other matters that the articles or by-laws may provide for with respect to the holding of meetings of directors in accordance with subsection (6), the articles or by-laws may,

- (a) limit the manner or manners by which a meeting of directors may be held in accordance with subsection (6); and
- (b) specify requirements that apply with respect to the holding of a meeting of directors in a manner described in subsection (6) or in such manner as described by the articles or by-laws made under clause (a).

**Same, ability to communicate at meeting**

(8) A meeting of directors held in any manner described in subsection (6) or in such manner as described by the articles or by-laws made under subsection (7) must provide that all persons attending the meeting are able to communicate with each other simultaneously and instantaneously.

**Same, persons deemed present at meeting**

(9) A person who, through telephonic or electronic means, attends a meeting of directors is deemed for the purposes of this Act to be present in person at the meeting.

**Transition**

(10) For clarity, this section, as it read immediately before the day subsection 3 (2) of Schedule 22 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of directors to be held on or after that day.

**4** Subsections 53 (4) and (5) of the Act are repealed and the following substituted:

**Meeting by telephonic or electronic means**

(4) Subject to the articles or by-laws and subsection (6), a meeting of the members may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means.

**Same, articles, etc.**

(5) In addition to any other matters that the articles or by-laws may provide for with respect to the holding of meetings of the members in accordance with subsection (4), the articles or by-laws may,

- (a) limit the manner or manners by which a meeting of the members may be held in accordance with subsection (4); and
- (b) specify requirements that apply with respect to the holding of a meeting of the members in a manner described in subsection (4) or in such manner as described by the articles or by-laws made under clause (a).

**Same, reasonable participation**

(6) A meeting of the members held in any manner described in subsection (4) or in such manner as described by the articles or by-laws made under subsection (5) must enable all persons entitled to attend the meeting to reasonably participate.

**Same, persons deemed present at meeting**

(7) A person who, through telephonic or electronic means, votes at or attends a meeting of the members is deemed for the purposes of this Act to be present in person at the meeting.

**Same, deemed place of meeting**

(8) A meeting of the members held in any manner described in subsection (4) or in such manner as described by the articles or by-laws made under subsection (5) is deemed to be held at the place where the registered office of the corporation is located.

**5 (1) Section 55 of the Act is amended by adding the following subsections:****When notice is not required to specify place of meeting**

(1.1) Despite subsection (1), a notice of a meeting of the members is not required to specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**Instructions re attending meeting by telephonic, etc. means**

(1.2) If a person may attend a meeting of the members by telephonic or electronic means, the notice of the meeting must include instructions for attending and participating in the meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**(2) Subsection 55 (5) of the Act is repealed and the following substituted:****Adjourned meeting**

(5) If a meeting of the members is adjourned by one or more adjournments for an aggregate of less than 30 days, it is not necessary, unless the by-laws provide otherwise, that any person be notified of the meeting that continues the adjourned meeting, other than by announcement of all of the following at the time of an adjournment:

1. The time of the continued meeting.
2. If applicable, the place of the continued meeting.
3. If applicable, instructions for attending and participating in the continued meeting by the telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**(3) Section 55 of the Act is amended by adding the following subsection:****Transition**

(9) For clarity, this section, as it read immediately before the day subsection 5 (3) of Schedule 22 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, continues to apply to a notice that was given before that day in respect of a meeting of the members to be held on or after that day.

**6 Section 58 of the Act is repealed and the following substituted:****Voting**

**58** (1) Subject to the articles or by-laws, voting at a meeting of the members shall be by show of hands unless a ballot is demanded by a member or proxyholder entitled to vote at the meeting.

**Ballot**

(2) A member or proxyholder may demand a ballot either before or after any vote by show of hands.

**Voting by telephonic or electronic means**

(3) Unless the articles or by-laws expressly provide otherwise, a vote at a meeting of the members may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and voting in person.

**7 Section 66 of the Act is amended by adding the following subsection:**

**Vote may be by telephonic or electronic means**

(4) For clarity, unless the by-laws expressly provide otherwise, a vote referred to in subsection (2) or (3) may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic means and voting in person.

**8 Subsection 67 (2) of the Act is repealed.**

**9 Subsection 80 (1) of the Act is amended by striking out “may have an audit committee and, if it does, the majority” and substituting “may have an audit committee comprising one or more directors and the majority”.**

**10 Section 94 of the Act is amended by adding the following subsections:**

**Inspection by remote means**

(3) A corporation may, but is not required to, permit a director to inspect any or all of the records described in subsection 92 (1) remotely at any time by means of any technology and may provide the director any extract of the records by such means.

**Same**

(4) If a corporation provides a director with any extracts of the records in accordance with subsection (3), the corporation shall not charge the director for the extracts.

**11 Section 95 of the Act is amended by adding the following subsection:**

**Same, examination by remote means**

(1.1) A corporation may, but is not required to, permit a member, a member’s attorney or legal representative or a creditor of the corporation to examine any or all of the records mentioned in clauses 92 (1) (a), (b), (c), (f), (g), (h) and (j) remotely at any time by means of any technology and may also permit the person to take extracts by such means.

**Same**

(1.2) A corporation may permit a person to take extracts in accordance with subsection (1.1) if the person pays a reasonable fee.

**12 Section 96 of the Act is amended by adding the following subsection:**

**Examination by remote means**

(1.1) A corporation or its agent may, but is not required to, permit an applicant under subsection (1) to examine the register of members remotely at any time by means of any technology and may, on payment of a reasonable fee, provide the applicant with an extract from the register by such means.

**13 Section 97 of the Act is amended by adding the following subsections:**

**Same, inspection by remote means**

(2.1) The corporation may, but is not required to, permit a director, member or creditor to inspect a consent kept under subsection (1) remotely at any time by means of any technology and may also permit the person to make a copy by such means.

**Same, no charge for inspection, copies**

(2.2) If the corporation permits a director, member or creditor to inspect a consent or make copies in accordance with subsection (2.1), the corporation shall not charge the person for the inspection or the copies.

**14 Section 98 of the Act is amended by adding the following subsections:**

**Examination by remote means**

(2.1) A corporation may, but is not required to, permit a member or their attorney or legal representative to examine the financial statements referred to in subsection (1) remotely at any time by means of any technology and may also permit the person to make copies or take extracts by such means.

**Same**

(2.2) If a corporation permits a member or their attorney or legal representative to examine the financial statements or make copies or take extracts in accordance with subsection (2.1), the corporation shall not charge the person for the examination or the copies or extracts.

**15 (1) Subsection 100 (1) of the Act is repealed and the following substituted:**

**Form of records**

(1) All registers and other records required by this Act or the regulations to be prepared and maintained by a corporation may be in any form, provided that the records are capable of being reproduced in an accurate and intelligible form within a reasonable time.

**(2) Section 100 of the Act is amended by adding the following subsections:**

**Admissibility of records in evidence**

(3) The information in the registers and other records is admissible in evidence as proof, in the absence of evidence to the contrary, of all facts stated in the record, before and after dissolution of the corporation.

**Exception**

(4) Subsection (3) does not apply to the register described in clause 92 (1) (j).

**16 Subsection 208 (1) of the Act is amended by adding the following paragraphs:**

32. governing inspections of records under sections 93 and 94, examinations of records under section 95 and of the register of members under section 96, inspections of directors' consents under section 97 and examinations of financial statements under section 98;
33. governing transitional matters as the Minister considers necessary or advisable to facilitate the implementation of amendments to this Act made by Schedule 22 to the *Less Red Tape, Stronger Economy Act, 2023*.

**17 Parts XVI and XVII of the Act and Schedule 1 to the Act are repealed.**

***Supporting Recovery and Competitiveness Act, 2021***

**18 Subsections 8 (2) and (3) and 9 (2) of Schedule 17 to the *Supporting Recovery and Competitiveness Act, 2021* are repealed.**

**Revocation**

**19 Ontario Regulation 693/21 (Extension of Temporary Suspension Period), made under the Act, is revoked.**

**Commencement**

**20 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1 to 17 and 19 come into force on October 1, 2023.**



**SCHEDULE 23  
OIL, GAS AND SALT RESOURCES ACT**

**1 The definition of “well” in subsection 1 (1) of the *Oil, Gas and Salt Resources Act* is amended by striking out “or” at the end of clause (d) and by adding the following clause:**

(d.1) a special project that is designated by the Minister under section 11.1, or

**2 Subsection 3.3 (5) of the Act is repealed.**

**3 Subsections 7 (3) to (5) of the Act are repealed and the following substituted:**

**Direction that work not to be used**

(3) An inspector who gives an order under this section with respect to a work may include in the order a direction that the work shall not be used until the order is complied with.

**4 Section 7.0.1 of the Act is amended by striking out “may order” in the portion before clause (a) and substituting “may, in writing, order”.**

**5 The Act is amended by adding the following sections:**

**Order re preventative measures**

**7.0.1.1** If an inspector has reasonable grounds to believe that a work is about to become a hazard to the public or to the environment, the inspector may, in writing, order an operator of the work, the supervisor or foreperson of an operator, or any of them, to do any of the following with respect to the work:

1. To assess the potential hazard or to decrease or eliminate the likelihood of the hazard occurring and to make a written report to the inspector on the actions taken.
2. To develop a plan or procedure to assess the potential hazard or to decrease or eliminate the likelihood of the hazard occurring, to implement the plan or procedure and to provide to the inspector a copy of the plan or procedure and a written report on the actions taken to implement the plan or procedure.
3. To ensure the appropriate equipment, material and personnel are available to assess the potential hazard or to decrease or eliminate the likelihood of the hazard occurring and to make a written report to the inspector on the actions taken.
4. To test or to monitor and record the potential presence of the hazard and to report the findings, in writing, to the inspector.
5. To ensure that the work is not used until the order is complied with.
6. To take any other prescribed action.

**Affixing tags**

**7.0.1.2** (1) An inspector may affix a tag to a work if the inspector makes any of the following orders with respect to the work:

1. An order under section 7 that includes a direction under subsection 7 (3).
2. An order under section 7.0.1.
3. An order under paragraph 5 of section 7.0.1.1.

**Notification of affixing tags**

(2) An inspector who affixes a tag to a work in accordance with subsection (1) shall notify, in writing, an operator of the work or a person who appears to be in charge of the work of the affixing of the tag.

**Use of tagged work**

(3) If a tag is affixed to a work, no person shall,

- (a) use the work; or
- (b) knowingly remove oil or gas from, or supply oil or gas to, the work.

**No removal of tag**

(4) No person, other than an inspector, shall remove a tag affixed to a work.

**6 Subsection 7.0.2 (1) of the Act is amended by striking out “section 7 or 7.0.1” and substituting “section 7, 7.0.1 or 7.0.1.1”.**

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

6. A project designated as a special project under section 11.1.

**8 The Act is amended by adding the following sections:**

**Special projects, Minister's designation**

**11.1** (1) The Minister may issue to a person a designation designating a project as a special project.

**Same, term of designation**

(2) A designation of a special project may include the term of the designation.

**Same, varying term**

(3) The Minister may vary the term of the designation.

**Same, transfer of designation**

(4) A designation may be transferred, but only if the Minister consents to the transfer and the prescribed requirements have been met.

**Requirements for projects to be designated**

**11.2** In order for a project to be designated as a special project under section 11.1, the following requirements must be met:

1. The purpose of the project must be to test, assess, pilot or demonstrate a technology, method or activity that is new or innovative to Ontario.
2. There is a reasonable expectation, in the opinion of the Minister, that it will be possible to design, construct, operate and decommission the project in a manner that protects public safety and the environment.
3. The project must use, or intend to use, at least one existing well or proposed well to access underground geological formations of Cambrian or more recent age.
4. Any other prescribed requirements.

**Requirements for making designation requests**

**11.3** The following requirements apply to a person making a request to be issued a designation designating a project as a special project under section 11.1:

1. The person must meet any prescribed eligibility requirements.
2. The request must be in writing.
3. The request must include the following:
  - i. A description of the project, including the purpose of the project, the wells, proposed wells and other works that will be used in the project and the location of the project.
  - ii. A description of how the project meets the requirements referred to in section 11.2.
  - iii. A description of how the person who is making the request meets the requirements referred to in paragraph 1.
  - iv. Any other prescribed requirements.

**Exemptions for special projects**

**11.4** (1) The Minister may exempt a special project designated under section 11.1, or any part or aspect of such a project, from any requirement under this Act or the regulations or substitute any requirement in place of a requirement under this Act or the regulations if the Minister is of the opinion that,

- (a) a requirement is not suitable or another requirement should apply with respect to the special project; and
- (b) public safety and the environment will be adequately protected despite the exemption or substitution.

**Same**

(2) Any exemption or substitution of a requirement referred to in subsection (1) shall be included in,

- (a) the designation of the special project; or
- (b) the terms and conditions of a licence or permit issued with respect to the special project.

**Exception, certain works**

(3) A designation under section 11.1 may provide that any pipeline or other structure or equipment that is, or will be, a part of a special project is not a work for the purposes of this Act.

**Use of wells, licences and permits**

**11.5** No person shall use a well for a special project designated under section 11.1 unless such a use is expressly allowed by a licence or permit relating to the well.

## **Project end**

**11.6** After the term for a special project designated under section 11.1 ends,

- (a) any well which forms part of the special project continues to be a well for the purposes of this Act and the regulations; and
- (b) any other work which forms part of the special project continues to be a work for the purposes of this Act and the regulations if the work, or the use of the work, meets the prescribed conditions.

**9 (1) The Act is amended by adding the following section:**

### **Convictions and non-compliance**

**13.1** (1) In making a decision with respect to a person under section 10.1 or 13, the Minister may consider whether the person has been convicted of an offence under this Act or has failed to comply with this Act or the regulations or any orders made under this Act.

### **Same, corporations**

(2) If the person is a corporation, the Minister may also consider whether any of the officers and directors of the corporation have been convicted of an offence under this Act or have failed to comply with this Act or the regulations or any orders made under this Act.

### **Same, individuals**

(3) If the person is an individual, the Minister may also consider whether the individual was a director or officer of a corporation at the time the corporation was convicted of an offence under this Act or failed to comply with this Act or the regulations or any orders made under this Act.

**(2) Subsection 13.1 (1) of the Act, as enacted by subsection (1), is amended by striking out “section 10.1 or 13” and substituting “section 10.1, 11.1 or 13”.**

**10 (1) Subsections 14 (1) and (2) of the Act are repealed and the following substituted:**

### **Suspension or cancellation of licence**

(1) If an act or failure to act by the holder of a licence or permit is an offence under section 19, the Minister may suspend or cancel the licence or permit, but before doing so the Minister may, and if requested by the holder shall,

- (a) refer the matter to the Tribunal, in which case the Tribunal shall hold a hearing before reporting to the Minister; or
- (b) if the Minister is of the opinion that the matter may affect operations within an area designated as a gas storage area under the *Ontario Energy Board Act, 1998*, refer the matter to the Board, in which case the Board may hold a hearing, but is not required to do so, before reporting to the Minister.

### **Notice of proposal**

(2) If the Minister proposes to suspend or cancel a licence or permit under subsection (1), the Minister shall provide to the holder of the licence or permit a written notice of the proposal and shall inform the holder that a request for a referral can be made in accordance with subsection (3).

**(2) Clause 14 (4) (a) of the Act is repealed and the following substituted:**

- (a) before the 30 days to request a referral under subsection (3) have elapsed, if the holder of the licence or permit waives the right to request a referral in writing; or

**11 (1) Clause 17 (1) (c) of the Act is amended by adding the following paragraph:**

9. Carrying out a special project designated under section 11.1;

**(2) The French version of clauses 17 (1) (j) and (l) of the Act are amended by striking out “le déclassement” wherever it appears and substituting in each case “la désaffectation”.**

**(3) Subsection 17 (2) of the Act is amended by adding the following clauses:**

- (c.5) governing the development and implementation of plans or procedures for the purposes of paragraph 2 of section 7.0.1.1, including,
  - (i) prescribing timelines for the development and implementation of any plans or procedures,
  - (ii) prescribing the contents of any plans or procedures, and
  - (iii) prescribing processes for the revision of any plans or procedures;
- (c.6) prescribing other actions that an inspector may order for the purposes of paragraph 6 of section 7.0.1.1;

**(4) Clause 17 (2) (e) of the Act is amended by striking out “required by” and substituting “required to be carried by”.**

**(5) The French version of clause 17 (2) (j.5) of the Act is amended by striking out “«déclassé», «déclassement», «déclasser»” and substituting “«désaffecté», «désaffectation», «désaffecter»”.**

**(6) Subsection 17 (2.1) of the Act is amended by striking out “as a result of a regulation being made under subsection (1) or (2)” and substituting “as a result of this Act having been amended or a regulation being made under subsection (1) or (2)”.**

**(7) Section 17 of the Act is amended by adding the following subsections:**

**Regulations relating to special projects**

(2.2) The Minister may make regulations governing special projects designated under section 11.1 including, without limiting the generality of the foregoing,

- (a) prescribing such matters as are required, or permitted, under sections 11.1 to 11.6, to be prescribed or done by regulation;
- (b) defining, for the purposes of sections 11.1 to 11.6, any term that is not defined in this Act;
- (c) providing for the amendment of the designation of a special project;
- (d) governing applications for a licence or permit relating to a special project;
- (e) providing for the issue and transfer of licences and permits relating to a special project;
- (f) prescribing terms or conditions that a licence or permit relating to a special project shall be subject to;
- (g) exempting any well, pipeline, structure or equipment to be used in a special project from the definition of “work” in subsection 1 (1), and providing that the exemption is subject to such conditions as may be specified by regulation;
- (h) governing the design, construction, use, operation, abandonment, decommissioning and removal of works used in a special project, including the methods, materials and equipment used;
- (i) requiring operators of works used in a special project to comply with or follow specified requirements or processes, including safety standards;
- (j) providing that specified requirements in this Act or the regulations do not apply to works used in special projects in specified circumstances;
- (k) governing the methods, equipment and materials to be used in drilling, completing, operating or servicing wells to be used in a special project or in plugging wells that were used in a special project;
- (l) requiring persons to whom a designation of a special project is issued under section 11.1 or operators of works used in a special project to preserve drilling and production samples and cores and to furnish them to persons specified by the regulations;
- (m) requiring persons to whom a designation of a special project is issued under section 11.1 or operators of works used in a special project to,
  - (i) register works with the Ministry,
  - (ii) maintain records relating to the works, and
  - (iii) provide the Ministry with reports, returns and other information in such form and manner as the Minister may specify;
- (n) requiring the examination of works used in a special project by persons who belong to prescribed classes and have the prescribed evidence of the Minister’s approval for the purposes of examinations of works, and prescribing the times or intervals at which and the manner in which the examinations are to be carried out;
- (o) governing liability or other insurance required to be carried by persons to whom a designation of a special project is issued under section 11.1 or by operators of works used in a special project and governing other financial assurances to be provided by those persons or operators;
- (p) exempting any special project from paragraph 6 of subsection 11 (1), and providing that the exemption is subject to such conditions as may be specified by regulation;
- (q) respecting any matter that the Minister considers necessary or advisable to protect public safety or the environment in connection with sections 11.1 to 11.6 or any part of this Act relating to special projects.

**Conflicts**

(2.3) Regulations made under subsection (1), (2) or (2.1) may apply with respect to a special project designated under section 11.1 but in the event of a conflict between regulations made under subsection (1), (2) or (2.1) and regulations made under subsection (2.2), the regulations made under subsection (2.2) prevail.

**(8) Subsection 17 (5) of the Act is repealed and the following substituted:**

**Adoption by reference — regulations made by the Lieutenant Governor in Council**

(5) A regulation made under subsection (1), (2) or (2.1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, standard or guideline, as it reads at the time the regulation is made or as amended from time to time.

**Adoption by reference — regulations made by the Minister**

(6) A regulation made under subsection (2.2) may adopt by reference, in whole or in part, with such changes as the Minister considers necessary, any code, standard or guideline, as it reads at the time the regulation is made or as amended from time to time.

**12 Subsection 17.1.1 (4) of the Act is repealed and the following substituted:**

**Definition**

(4) In this section,

“document” includes an order made by an inspector under section 7, 7.0.1 or 7.0.1.1.

**13 (1) Subsection 19 (1) of the Act is amended by adding the following clause:**

(a.1) contravene or fail to comply with an order made by the court under subsection (3.2);

**(2) Clause 19 (1) (d.1) of the Act is amended by adding “or to the natural environment as defined in the *Environmental Protection Act*” at the end.**

**(3) Clause 19 (1) (d.2) of the Act is amended by adding “or to the natural environment as defined in the *Environmental Protection Act*” at the end.**

**(4) Clause 19 (1) (d.3) of the Act is amended by adding “or to the natural environment as defined in the *Environmental Protection Act*” at the end.**

**(5) Subsection 19 (1) of the Act is amended by adding the following clause:**

(d.4) cause or permit a special project designated under section 11.1 to be operated in a manner that results in a hazard to public safety or to the natural environment as defined in the *Environmental Protection Act*;

**(6) Section 19 of the Act is amended by adding the following subsections:**

**Orders on conviction**

(3.2) If a person is convicted of an offence under this section, the court may, in addition to any other penalty, make one or more of the following orders:

1. An order requiring the person, within the time specified, to take certain actions to prevent, decrease or eliminate any damage that was a direct or indirect result of the person’s commission of the offence, including requiring the person to apply for a licence or permit under this Act.
2. At the request of a prosecutor, an order requiring the person to pay the Crown for all or part of any costs incurred by the Crown to remedy or avoid any hazard to the public or to the environment that directly or indirectly resulted, or may have resulted, from the person’s commission of the offence.
3. An order requiring the person to pay the Crown for all or part of any costs incurred by the Crown with respect to the seizure, storage or disposition of any thing seized in connection with the person’s commission of the offence.
4. Such other order as the court considers proper to obtain compliance with this Act, the regulations or any term or condition of a licence or permit issued under this Act.

**Presiding judge**

(3.3) 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**

**14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Sections 1, 7 and 8 and subsections 9 (2), 11 (1), (7) and (8) and 13 (5) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 24**  
**ONTARIO ENERGY BOARD ACT, 1998**

**1 Subsection 36 (3.1) of the *Ontario Energy Board Act, 1998* is repealed and the following substituted:**

**Limitation**

(3.1) In approving or fixing just and reasonable rates for the sale, transmission or distribution of gas, the Board shall not include any of the following amounts:

1. Any penalties or fines a gas transmitter or gas distributor is required to pay under an Act, except as otherwise provided by the regulations.
2. Any other amounts or classes of amounts a gas transmitter or gas distributor is required to pay that are prescribed by the regulations made by the Minister under subsection 127 (8).

**2 Clause 48 (3) (a) of the Act is amended by adding “including an order made under section 57.1” after “an order of the Board”.**

**3 Section 57 of the Act is amended by striking out “and no other person shall” in the portion before clause (a) and substituting “and, except as otherwise provided under this Act, no other person shall”.**

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

**Pilot or demonstration projects to facilitate innovation**

**Exemption from licence requirement**

**57.1** (1) The Board may by order exempt a person from the requirement to be licensed under this Part in respect of any activity referred to in clause 57 (a), (c.1), (d), (e) or (f) for a period of no more than five years, in order to permit the person to participate in a pilot or demonstration project,

- (a) that meets any criteria prescribed by the regulations; and
- (b) that the Board determines is in furtherance of its objective to facilitate innovation in the electricity sector under paragraph 4 of subsection 1 (1).

**Same, gas marketing**

(2) In making an order under subsection (1), the Board may additionally exempt a person from the requirement to be licensed under Part IV in respect of any activity to which section 48 applies for a period of no more than five years, in order to permit the person to participate in the pilot or demonstration project that is the subject of the order.

**Extension**

(3) The Board may by order extend an exemption granted under subsection (1) or (2) for further periods of no more than five years each.

**Amendment, revocation**

(4) The Board may by order amend or revoke an exemption granted under subsection (1) or (2) or extended under subsection (3).

**Hearing not required**

(5) The Board may make an order under this section without a hearing.

**Application of exemption**

(6) An exemption under this section applies only with respect to the exempted person’s participation in the pilot or demonstration project and for no other purpose.

**5 Subsections 78 (5) and (5.0.0.1) of the Act are repealed and the following substituted:**

**Same, certain payments of transmitters and distributors**

(5) In approving or fixing just and reasonable rates for the transmission or distribution of electricity, the Board shall not include any of the following amounts:

1. Any penalties or fines a transmitter or distributor is required to pay under an Act, except as otherwise provided by the regulations.
2. Any other amounts or classes of amounts a transmitter or distributor is required to pay that are prescribed by the regulations made by the Minister under subsection 88 (2.3).

**6 (1) Subsection 88 (1) of the Act is amended by adding the following clause:**

(a.0.1) for the purposes of section 57.1,

- (i) providing for conditions or restrictions on the Board's power to make orders under that section, including limiting the number of times an exemption may be extended under subsection 57.1 (3), and
- (ii) governing criteria for pilot and demonstration projects, which may include criteria respecting the manner in which a project is funded;

**(2) Clauses 88 (1) (g.9) and (g.10) of the Act are repealed and the following substituted:**

- (g.9) providing for penalties and fines a transmitter or distributor is required to pay under an Act that the Board may include in approving or fixing rates for the transmission or distribution of electricity, for the purposes of paragraph 1 of subsection 78 (5);

**(3) Subsection 88 (1.2) of the Act is amended by striking out “or (g.10)”.**

**(4) Section 88 of the Act is amended by adding the following subsection:**

**Regulations, Minister**

(2.3) The Minister may make regulations providing for amounts and classes of amounts a transmitter or distributor is required to pay that shall not be included in approving or fixing rates for the transmission or distribution of electricity, for the purposes of paragraph 2 of subsection 78 (5).

**7 Subsection 107 (1) of the Act is amended by adding the following paragraphs:**

- 8. A person who is subject to an exemption under section 57.1.
- 9. An affiliate, agent or employee of a person referred to in paragraph 8.

**8 (1) Clause 127 (1) (b.1) of the Act is repealed and the following substituted:**

- (b.1) providing for penalties and fines a gas transmitter or gas distributor is required to pay under an Act that the Board may include in approving or fixing rates for the sale, transmission or distribution of gas, for the purposes of paragraph 1 of subsection 36 (3.1);

**(2) Section 127 of the Act is amended by adding the following subsection:**

**Regulations, Minister**

(8) The Minister may make regulations providing for amounts and classes of amounts a gas transmitter or gas distributor is required to pay that shall not be included in approving or fixing rates for the sale, transmission or distribution of gas, for the purposes of paragraph 2 of subsection 36 (3.1).

**Commencement**

**9 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 25**  
**OTTAWA CONVENTION CENTRE CORPORATION ACT**

**1 Subsection 2 (5) of the *Ottawa Convention Centre Corporation Act* is repealed and the following substituted:**

**Term of office**

(5) Each member of the Centre appointed under clause (3) (a) shall hold office for a term not exceeding three years and is eligible for reappointment.

**Same**

(6) Each member of the Centre appointed under clause (3) (b) shall hold office for a term not exceeding three years and until his or her successor is appointed and is eligible for reappointment.

**Commencement**

**2 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**



**SCHEDULE 26  
PARTNERSHIPS ACT**

**1 Section 24 of the *Partnerships Act* is amended by adding the following subsections:**

**Inspection by remote means**

(2) Subject to any agreement express or implied between the partners, the firm may, but is not required to, permit a partner to inspect the partnership books mentioned in paragraph 9 of subsection (1) remotely at any time by means of any technology and may also permit the person to make copies by such means.

**Regulations**

(3) The Minister may make regulations governing inspections of the partnership books.

**Definition**

(4) In this section,

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*.

**Commencement**

**2 This Schedule comes into force on October 1, 2023.**

**SCHEDULE 27  
PENSION BENEFITS ACT**

**1 (1) Subsection 30.1 (4) of the *Pension Benefits Act* is repealed.**

**(2) Subsection 30.1 (5) of the Act is repealed and the following substituted:**

**Instruction to use non-electronic form of delivery**

(5) The member, former member or retired member who has received the notice referred to in subsection (3) may at any time instruct the administrator to send documents to them in a written form other than electronic form, in which case the administrator shall send the documents in a written form other than electronic form.

**2 Paragraph 12.0.4 of subsection 115.1 (1) of the Act is repealed.**

**Commencement**

**3 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 28  
PERSONAL PROPERTY SECURITY ACT**

**1 Section 18 of the *Personal Property Security Act* is amended by adding the following subsections:**

**Same, inspection by remote means**

(3.1) The secured party may, but is not required to, permit a person entitled to receive a true copy of the security agreement under clause (1) (d) or the person's authorized representative to inspect the security agreement or a true copy of it remotely at any time by means of any technology.

. . . . .

**Regulations**

(11) The Minister responsible for the administration of this Act may make regulations governing inspections of security agreements.

**Commencement**

**2 This Schedule comes into force on October 1, 2023.**

**SCHEDULE 29  
PRIVATE CAREER COLLEGES ACT, 2005**

**1 The title of the *Private Career Colleges Act, 2005* is repealed and the following substituted:**

**Ontario Career Colleges Act, 2005**

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

“career college” means an educational institution or other institution, agency or entity that provides one or more vocational programs to students for a fee and pursuant to individual contracts with the students, but does not include,

- (a) a college of applied arts and technology established under any Act,
- (b) a university established under any Act,
- (c) a school as defined in subsection 1 (1) of the *Education Act*, or
- (d) a prescribed institution, agency or entity or an institution, agency or entity belonging to a prescribed class; (“collège d’enseignement professionnel”)

**(2) The definition of “private career college” in subsection 1 (1) of the Act is repealed.**

**3 Subsection 11 (4) of the Act is amended by adding “or “career college”” after ““private career college”” and by striking out “the term” and substituting “either term”.**

**4 Section 32.0.1 of the Act is amended by striking out “private career college” wherever it occurs and substituting in each case “career college”.**

**5 (1) Clause 32.1 (2) (a) of the Act is amended by striking out “private career college” at the end and substituting “career college”.**

**(2) Clause 32.1 (2) (a) of the Act, as re-enacted by section 2 of Schedule 2 to the *Strengthening Post-secondary Institutions and Students Act, 2022*, is amended by striking out “private career college” at the end and substituting “career college”.**

**6 Sections 42, 43 and 44 of the Act are repealed and the following substituted:**

**Collection of penalties**

**42 (1)** The Minister of Finance may take one or more of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* to enforce the collection of administrative penalties imposed under section 39 of this Act if,

- (a) a person is in default of their obligation to pay the administrative penalty; and
- (b) the Minister, as defined in subsection 1 (1), has entered into a memorandum of understanding under section 11.1 of the *Ministry of Revenue Act* for the Minister of Finance to provide collection services to the Ministry of the Minister, as defined in subsection 1 (1), and to enforce the collection of the administrative penalty.

**No entitlement to notice, review or other procedural steps**

(2) Despite the rules of common law, a person is not entitled to notice of, a review of or any other procedural steps relating to the Minister of Finance taking a measure referred to in subsection (1).

**Application of ss. 11.1.1, 11.1.2 and 11.1.4 of *Ministry of Revenue Act***

(3) None of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* shall be taken with respect to a person referred to in subsection (1) unless,

- (a) the Minister, as defined in subsection 1 (1), has entered into a memorandum of understanding with the Minister of Finance for the purposes of authorizing the Ministry of Finance to take such measures; and
- (b) such measures are taken in accordance with,
  - (i) the terms set out in the memorandum of understanding referred to in clause (a), and
  - (ii) any other requirements, limitations, conditions or terms prescribed by the regulations.

**Transition**

(4) This section applies with respect to any administrative penalties imposed before, on or after the day section 6 of Schedule 29 to the *Less Red Tape, Stronger Economy Act, 2023* came into force.

**7 Paragraph 5 of subsection 55 (1) of the Act is amended by striking out “by private career colleges” and substituting “by career colleges”.**

**8 Section 57 of the Act is repealed and the following substituted:**

## Review of Act

57 Within five years after the day section 8 of Schedule 29 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force, and at five-year intervals thereafter, the Superintendent shall conduct a review of this Act.

### 9 The Act is amended by adding the following section:

#### Transition, *Private Career Colleges Act, 2005*

59 A certificate of registration issued before the day section 9 of Schedule 29 to the *Less Red Tape, Stronger Economy Act, 2023* comes into force is deemed to be a certificate of registration to operate a career college and the registrant shall be deemed to have the approval under this Act to provide any vocational program that it offers or provides on that day.

10 (1) The Act is amended by striking out “private career college” wherever it appears and substituting in each case “career college”, except in the following provisions:

1. Subsection 11 (4).
2. Section 32.0.1.
3. Clause 32.1 (2) (a).

(2) The Act is amended by striking out “private career colleges” wherever it appears and substituting in each case “career colleges”, except in the following provisions:

1. Paragraphs 5 and 28 of subsection 55 (1).
2. Section 58.

## CONSEQUENTIAL AMENDMENTS

### *Employment Standards Act, 2000*

11 Paragraph 2.1 of subsection 3 (5) of the *Employment Standards Act, 2000* is repealed and the following substituted:

- 2.1 An individual who performs work under a program that is approved by a career college registered under the *Ontario Career Colleges Act, 2005* and that meets such criteria as may be prescribed.

### *Licence Appeal Tribunal Act, 1999*

12 Subsection 11 (1) of the *Licence Appeal Tribunal Act, 1999* is amended by striking out “*Private Career Colleges Act, 2005*” and substituting “*Ontario Career Colleges Act, 2005*”.

### *Ministry of Training, Colleges and Universities Act*

13 Paragraph 3 of subsection 15 (6) of the *Ministry of Training, Colleges and Universities Act* is repealed and the following substituted:

3. A career college registered under the *Ontario Career Colleges Act, 2005*.

### *Occupational Health and Safety Act*

14 Paragraph 3 of the definition of “worker” in subsection 1 (1) of the *Occupational Health and Safety Act* is amended by striking out “private career college” and substituting “career college”.

### *Workplace Safety and Insurance Act, 1997*

15 Clause (a) of the definition of “training agency” in subsection 69 (1) of the *Workplace Safety and Insurance Act, 1997* is repealed and the following substituted:

- (a) a person who is registered under the *Ontario Career Colleges Act, 2005* to operate a career college, or

## COMMENCEMENT

### Commencement

16 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

(2) Sections 1 to 3, subsection 5 (1) and sections 6 to 15 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 4 and subsection 5 (2) come into force on the later of the day subsection 10 (1) comes into force and the day section 2 of Schedule 2 to the *Strengthening Post-secondary Institutions and Students Act, 2022* comes into force.

**SCHEDULE 30  
PROTECTING FARMERS FROM NON-PAYMENT ACT  
(REGULATING AGRICULTURAL PRODUCT DEALERS AND STORAGE OPERATORS), 2023**

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**PART I  
INTERPRETATION AND APPLICATION**

**Definitions**

**1** (1) In this Act,

“agreement to purchase or sell a designated product” means an agreement to purchase or sell a designated product under section 6; (“entente d’achat ou de vente d’un produit désigné”)

“agreement to store a designated product” means an agreement to store a designated product under section 11; (“entente d’entreposage d’un produit désigné”)

“agricultural product” means cattle, hogs, poultry, or other livestock, eggs, dairy products, wool, grains, seeds, fruit, vegetables, maple products, honey, tobacco, or any class or part of any such product, or any other product designated as an agricultural product by regulation; (“produit agricole”)

“board” means a board established or continued pursuant to this Act; (“commission”)

“dealer” means a person, licensed or not, who engages in the business of buying or selling a designated product as a principal or agent, but does not include a person or a producer buying a designated product for their own personal use; (“marchand”)

“dealer’s licence” means a licence to engage in business as a dealer of a Part IV designated product issued by the Director under Part VIII; (“permis de marchand”)

“delegated authority” means an entity that has been designated under section 79; (“organisme délégué”)

“designated product” means an agricultural product designated by regulation under clause 2 (1) (a), (b), (c), (d) or (e); (“produit désigné”)



- “Director” means a Director appointed under section 3 or 4; (“directeur”)
- “fund” means a fund established or continued pursuant to this Act; (“fonds”)
- “licence” means a licence under this Act; (“permis”)
- “licensed dealer” means a dealer who has been issued a dealer’s licence; (“marchand titulaire d’un permis”)
- “licensed storage operator” means a person who has been issued a storage operator’s licence; (“exploitant de services d’entreposage titulaire d’un permis”)
- “Minister” means the Minister of Agriculture, Food and Rural Affairs or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)
- “owner” means the person who has legal title to a designated product; (“propriétaire”)
- “Part IV designated product” means an agricultural product designated by regulation under clause 2 (1) (a); (“produit désigné par la partie IV”)
- “Part V designated product” means an agricultural product designated by regulation under clause 2 (1) (b); (“produit désigné par la partie V”)
- “Part VI designated product” means an agricultural product designated by regulation under clause 2 (1) (c); (“produit désigné par la partie VI”)
- “Part VII designated product” means an agricultural product designated by regulation under clause 2 (1) (d); (“produit désigné par la partie VII”)
- “prescribed” means prescribed by the regulations; (“prescrit”)
- “producer” means a person who is engaged in the production of a designated product; (“producteur”)
- “regulation” means a regulation made under this Act; (“règlement”)
- “storage operator” means a person, licensed or not, who engages in the business of storing a designated product; (“exploitant de services d’entreposage”)
- “storage operator’s licence” means a licence to store Part V designated products issued by the Director under Part VIII; (“permis d’exploitant de services d’entreposage”)
- “Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under the *Ministry of Agriculture, Food and Rural Affairs Act*. (“Tribunal”)

### **Existing aboriginal or treaty rights**

(2) For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

## **PART II DESIGNATION OF AGRICULTURAL PRODUCTS**

### **Designation**

- 2 (1) The Minister may, by regulation, designate an agricultural product as,
- (a) a Part IV designated product, being a designated product with respect to which Part IV applies;
  - (b) a Part V designated product, being a designated product with respect to which Part V applies;
  - (c) a Part VI designated product, being a designated product with respect to which Part VI applies;
  - (d) a Part VII designated product, being a designated product with respect to which Part VII applies; or
  - (e) a designated product with respect to which two or more of the Parts of this Act referred to in clauses (a) to (d) apply.

### **Limiting application**

(2) A regulation designating an agricultural product under subsection (1) may provide that a Part referred to in the regulation applies to the designated product subject to such limitations as may be specified in the regulation, and may exclude certain provisions in the Part from applying to the designated product.

### **PART III ADMINISTRATION**

#### **Director and Deputy Directors**

**3** (1) Subject to section 4, the Minister shall appoint a Director to carry out the duties and exercise the powers of the Director under this Act.

#### **Deputy Directors**

(2) Subject to section 4, the Minister may appoint one or more Deputy Directors to perform such duties as may be assigned by the Director and to act as Director in the Director's absence.

#### **Same**

(3) Only one Deputy Director may act as Director in the Director's absence at any one time.

#### **Powers of inspector**

(4) In addition to the powers described in subsections (1) and (2), the Director and a Deputy Director have all the powers of an inspector under this Act.

#### **Limitation of authority**

(5) In an appointment of a Director or Deputy Director, the Minister may limit the appointment to apply only with respect to a specified designated product or may otherwise limit the authority of the Director or Deputy Director in such manner as the Minister considers advisable.

#### **Delegated authority**

**4** (1) If a delegated authority has been designated by regulation under Part X for the purposes of administering all or part of the Act and regulations with respect to a designated product, the delegated authority,

- (a) shall appoint a Director to carry out the duties and exercise the powers of the Director under this Act with respect to the designated product; and
- (b) may appoint one or more Deputy Directors to perform such duties as may be assigned by the Director and to act as Director in the Director's absence with respect to the designated product.

#### **Limitation**

(2) A delegated authority shall not appoint a person as Director or Deputy Director under subsection (1) if the person is a member of the delegated authority's board of directors or the person is not an employee of the delegated authority.

#### **Application**

(3) Subsections 3 (3), (4) and (5) apply with necessary modifications to a Director or Deputy Director appointed under subsection (1) of this section.

### **PART IV DEALERS**

#### **Prohibition**

**5** (1) No person shall act as a dealer of a Part IV designated product unless the person holds a dealer's licence with respect to that designated product.

#### **No transfer of licence**

(2) A licensed dealer shall not transfer their dealer's licence to another person.

#### **No use of licence by third parties**

(3) A licensed dealer shall not, without the written consent of the Director, allow another person to use the dealer's licence for the purposes of acting on behalf of the dealer in respect of the sale of a Part IV designated product.

#### **Agreement to purchase or sell a designated product**

**6** (1) A dealer shall not purchase a Part IV designated product from a producer or sell or offer for sale a Part IV designated product on behalf of a producer unless the dealer and the producer have entered into an agreement to purchase or sell a designated product in relation to the designated product.

#### **Same**

(2) An agreement to purchase or sell a designated product shall be in writing and satisfy any requirements that are prescribed by the regulations.

**Payments by dealer**

7 (1) A dealer shall pay for the designated product the dealer purchased from a producer or sold on behalf of a producer at the time the payment becomes due.

**Same**

(2) Payments by the dealer shall be made in accordance with the regulations.

**Timelines for payments**

(3) Despite subsection (2), if permitted by the regulations, the dealer and producer may enter into an agreement to purchase or sell a designated product that provides when payment for a designated product becomes due and, if they enter into such an agreement, the dealer shall comply with the timeline for payment set out in the agreement to purchase or sell a designated product.

**Exemptions for members of a non-governmental organization**

8 (1) Despite subsection 5 (1), a dealer of a Part IV designated product does not require a licence to act as a dealer of the designated product provided the dealer is a member in good standing of a prescribed non-governmental organization.

**Same**

(2) The Minister shall not prescribe a non-governmental organization for the purposes of this section unless,

- (a) the non-governmental organization is a not-for-profit corporation incorporated under the laws of Ontario or of Canada; and
- (b) the Minister has entered into an agreement with the non-governmental organization.

**Same**

(3) The Minister may include such terms and conditions as the Minister believes are reasonably necessary in an agreement referred to in clause (2) (b).

**Records, etc.**

9 (1) A dealer of a Part IV designated product shall keep such books and records as may be required by regulation and shall maintain the books and records in accordance with the regulations.

**Provision of information, etc.**

(2) A dealer shall provide the Director with such records and information as the Director may require or as may be prescribed.

**PART V  
STORAGE OPERATORS**

**Prohibition**

10 (1) No person shall store a Part V designated product on behalf of the producer or owner of the designated product unless the person holds a storage operator's licence with respect to that designated product.

**Exception**

(2) Despite subsection (1), a storage operator may store a Part V designated product on behalf of the producer or owner of the designated product without a storage operator's licence if,

- (a) the storage operator holds such qualifications as may be prescribed;
- (b) the product is stored in a prescribed manner; and
- (c) the storage takes place in such circumstances or under such conditions as may be prescribed.

**No transfer of licence**

(3) A licensed storage operator shall not transfer the storage operator's licence to another person.

**Agreement to store a designated product**

11 (1) A storage operator shall not store a Part V designated product on behalf of a producer or owner of the designated product unless the person has entered into an agreement to store a designated product with the producer or owner.

**Same**

(2) An agreement to store a designated product shall be in writing and satisfy any requirements that are prescribed by the regulations.

**Returning a designated product**

**12** Upon the demand of the producer or owner of a Part V designated product, the storage operator of the designated product shall provide the actual designated product or an equivalent amount of the same grade of the designated product to the producer or owner.

**Exemption for members of a non-governmental organization**

**13** (1) Despite subsection 10 (1), a storage operator of a Part V designated product does not require a licence to act as a storage operator of the designated product provided the storage operator is a member in good standing of a prescribed non-governmental organization.

**Same**

- (2) The Minister shall not prescribe a non-governmental organization for the purposes of this section unless,
- (a) the non-governmental organization is a not-for-profit corporation incorporated under the laws of Ontario or of Canada; and
  - (b) the Minister has entered into an agreement with the non-governmental organization.

**Same**

(3) The Minister may include such terms and conditions as the Minister believes are reasonably necessary in an agreement referred to in clause (2) (b).

**Delivery for storage purposes**

**14** (1) Part V designated products that are delivered to a storage operator shall be deemed to be delivered for storage purposes and not for the purposes of sale, subject to there being written proof of the contrary.

**Title to designated product**

(2) Despite any other Act, the property in and the title to Part V designated products that are stored with a storage operator remains at all time with the owner of the designated products.

**Quantity of designated product accepted for storage**

**15** (1) A licensed storage operator shall not store, or enter into an agreement to store, any Part V designated product at the storage facility identified in the storage operator's licence in a greater aggregate quantity than is permitted by the storage operator's licence.

**Additional storage**

(2) Despite subsection (1), a licensed storage operator may enter into agreements to store Part V designated products at the storage facility identified in the storage operator's licence in a greater aggregate quantity than is permitted in the storage operator's licence if the storage operator has also entered into an agreement to store the quantity of the Part V designated product that exceeds the amount permitted under the storage operator's licence with the operator of another storage facility who is licensed under this Act or an Act of the Parliament of Canada.

**Same**

(3) For greater certainty, a licensed storage operator wishing to store a greater quantity of the Part V designated product than is permitted under their storage operator's licence shall not enter into an agreement under subsection (2) to do so with a storage operator who has an exemption under section 13.

**Same**

(4) The storage of a Part V designated product under subsection (2) at a storage facility other than the storage facility identified in the storage operator's licence shall be carried out in accordance with such requirements and conditions as may be prescribed.

**Proof of quantity stored**

**16** (1) Upon delivery of a Part V designated product for storage by the producer or owner of the product, a storage operator shall,

- (a) create a receipt for the designated product, indicating the quantity of the designated product that has been delivered for storage;
- (b) provide the receipt to the producer or owner; and
- (c) keep a copy of the receipt for the storage operator's records.

**Receipt**

(2) The receipt referred to in clause (1) (a) shall include such information and meet such requirements as may be prescribed.

**Records**

(3) A storage operator shall keep records, in accordance with the regulations, of the quantity of a Part V designated product kept in storage by the storage operator, of the producers and owners on whose behalf the designated product is stored and of any fluctuations in the quantity over time.

**Same**

(4) The records referred to in subsection (3) shall provide an accurate account at any given time of the quantity of a Part V designated product that the storage operator is keeping in storage and the location at which the designated product is being stored.

**Correspondence with receipts**

(5) Every storage operator shall have at all times in the storage operator's facilities, or in storage facilities arranged in accordance with subsection 15 (2), an amount of designated product of each kind and grade that is at least equal to the total amounts of outstanding receipts the storage operator has issued.

**Shortfall**

(6) Despite subsection (5), the Director may issue a permit to a licensed storage operator permitting the storage operator to operate as a storage operator despite being in a shortfall position, subject to such terms and conditions as may be prescribed.

**Storage operator as dealer**

17 (1) This section applies if,

- (a) a designated product is designated both as a Part IV designated product and as a Part V designated product; and
- (b) a licensed storage operator for the designated product is also licensed to act as a dealer of that designated product.

**Agreement required**

(2) A licensed storage operator referred to in clause (1) (b) shall enter into an agreement to purchase or sell a designated product with a producer or owner of the designated product before the licensed storage operator,

- (a) purchases a designated product referred to in clause (1) (a) that is being stored at the licensed storage operator's facility; or
- (b) agrees to sell a designated product referred to in clause (1) (a) on behalf of the producer or owner of the product.

**Content of Agreement**

(3) An agreement referred to in subsection (2) shall,

- (a) authorize the licensed storage operator to act as a dealer with respect to the sale of any of the designated product that the producer or owner stores with the licensed storage operator; and
- (b) meet the requirements set out in subsection 6 (2).

**Where storage operator purchases product**

(4) If the agreement to purchase or sell a designated product referred to in subsection (2) provides that the licensed dealer is to purchase the designated product for the purpose of reselling it,

- (a) subsection 14 (1) does not apply to the designated product that is delivered to the storage operator by the producer or owner of the designated product; and
- (b) unless the regulations provide otherwise, property in and title to the designated product shall remain with the producer or owner of the designated product until the producer or owner has received payment for the designated product in accordance with the terms of the agreement to purchase or sell a designated product.

**Application of s. 7**

(5) Section 7 applies with respect to the timing of payments to the producer or owner of the designated product.

**Insurance**

18 (1) Every storage operator of a Part V designated product shall insure and keep insured with an insurer licensed under the *Insurance Act* all Part V designated products stored with the storage operator against such loss, damage or perils as may be prescribed.

**Amount of insurance**

(2) The amount of the insurance required under subsection (1) shall not be less than the full market value of the designated products that are insured and the amount shall be adjusted to correspond with any fluctuations in the value of the designated products.

**Place of storage**

(3) The insurance shall cover all designated products stored by the storage operator of a Part V designated product, whether at the facilities identified in a storage operator's licence or at a storage facility referred to in subsection 15 (2).

**Terms of insurance contract**

(4) A contract of insurance obtained as required under subsection (1) shall contain such terms and conditions as may be prescribed.

**Information provided to the Director**

(5) A storage operator of a Part V designated product shall submit to the Director the information that may be prescribed relating to the insurance of Part V designated products that the storage operator stores and shall so do in accordance with the regulations and at such times as may be prescribed.

**Notice to Director**

**19** (1) Every person who intends to take control of a facility used to store a Part V designated product or the business operations of a licensed storage operator shall notify the Director, in writing, of such intention and the location of the facility or premises, as the case may be, prior to taking control of the facility or business operations.

**Entry by Director**

(2) Every person who has taken control of a facility used to store a Part V designated product or the business operations of a licensed storage operator shall permit the Director to enter the facility or premises to ascertain the amount of designated product that is stored at the facility or premises.

**Removal of designated product**

(3) The Director may, by order issued pursuant to paragraphs 2 or 3 of subsection 68 (1), seize or direct the removal of any or all of the Part V designated product stored in a facility or premises entered into in accordance with subsection (2).

**No lien**

**20** Unless it is agreed in writing to the contrary, Part V designated products that are stored with a storage operator are not subject to any lien, charge or set-off other than for charges related to the storage or handling of the designated product, including storage charges, conditioning charges, transportation charges, advance payments respecting the designated product and elevation charges, where applicable.

**Non-application**

**21** The *Warehouse Receipts Act* and section 2 of the *Factors Act* do not apply to a Part V designated product that is stored with a storage operator or to a document of title to the designated product.

## PART VI TRUSTS

**Trust constituted**

**22** (1) Prescribed amounts of monies that are owed to a dealer from the sale of a Part VI designated product, whether or not due or payable, or are received by or on behalf of a dealer on account of the sale of a Part VI designated product shall constitute a trust fund for the benefit of producers of that Part VI designated products who are owed those amounts.

**Trustees**

(2) The dealer who is owed or received the funds is the trustee of the trust fund referred to in subsection (1) and, unless permitted by the regulations, the dealer shall not appropriate or convert any part of the trust fund to the dealer's own use or to any use inconsistent with the trust until the producers are paid all amounts owed to them.

**Duties of trustee**

(3) Trustees shall comply with the following requirements respecting the trust fund:

1. The funds the trustee receives shall be deposited into an account in the trustee's name, and if there is more than one trustee of the trust funds, the funds shall be deposited into an account in all of the trustees' names.
2. The account referred to in paragraph 1 shall be in,
  - i. a bank listed in Schedule I or II to the *Bank Act* (Canada),
  - ii. a credit union, as defined in the *Credit Unions and Caisses Populaires Act, 2020*, or
  - iii. a trust corporation registered under the *Loan and Trust Corporations Act*.
3. If a person is a trustee of more than one trust under this section, the trust funds may be deposited together into a single account, as long as the trustee maintains the records required under subsection (6) separately in respect of each trust.

### **Multiple trust funds in a single account**

(4) Trust funds from separate trusts that are deposited together into a single account in accordance with paragraph 3 of subsection (3) are deemed to be traceable, and the depositing of trust funds in accordance with that paragraph does not constitute a breach of trust.

### **Trust money kept separate**

(5) A dealer shall keep any money held for the dealer's own benefit separate from every trust fund referred to in subsection (1) in respect of which the dealer is a trustee.

### **Records**

(6) The trustee shall ensure that written records of transactions on the trust fund referred to in subsection (1) are maintained setting out,

- (a) the amounts that are received into the fund, and
  - (i) the name of the person from whom the amount was received, and
  - (ii) the name of the producer on whose behalf the amount is held in trust;
- (b) the amounts owing to the trust, and
  - (i) the name of each person who owes the amounts, and
  - (ii) the name of each producer on whose behalf the amount is owed;
- (c) the amounts that are paid out of the trust and the name of each person to whom the amount is paid out;
- (d) any transfers made for the purposes of the trust; and
- (e) any other prescribed information.

### **No other amount**

(7) A dealer shall not deposit into a trust fund referred to in subsection (1) any money other than the prescribed amounts that constitute the trust fund referred to in subsection (1).

### **Payments out of trust account, producers**

**23** (1) The dealer may make payments out of the trust fund referred to in subsection 22 (1) for the purpose of paying producers of Part VI designated products the amount to which they are entitled on account of a sale of the Part VI designated products.

### **Payments out of trust account, dealers**

(2) If a dealer has purchased Part VI designated products from a producer, the dealer may pay out of the trust fund referred to in subsection 22 (1) the prescribed amounts in the prescribed circumstances.

### **No pay out for improper purpose**

(3) A dealer shall not pay any amounts out of a trust fund referred to in subsection 22 (1) that does not comply with the requirements of subsections (1) and (2) of this section.

### **Dispute relating to sale price**

(4) In the event of a dispute between a dealer of and a producer of a Part VI designated product regarding the sale price of the product or any other prescribed matter, the dealer shall keep in the trust fund for the benefit of the producer an amount equal to the sale price set out in the agreement to purchase or sell a designated product.

### **Same**

(5) The dealer shall keep the funds held, pursuant to subsection (4), in the trust fund referred to in subsection 22 (1) until the dispute regarding the sale price or other prescribed matter, as the case may be, is resolved in accordance with subsections (1) to (3) of this section.

### **Liability for breach of trust**

#### **Corporations**

**24** (1) If a dealer is a corporation and fails to comply with section 22 or 23 with respect to Part VI designated products that are received by the dealer, the following persons may be found liable for breach of trust in an action brought by the producer of the Part VI designated products:

1. The corporation.
2. Every director or officer and any employee or agent of the corporation or any other person who has effective control of the corporation, if the director, officer, employee or agent or other person who has effective control of the corporation

assented to, or acquiesced in, conduct that the person knew or ought reasonably to have known amounted to breach of trust by the corporation.

**Effective control**

(2) In an action for breach of trust against a dealer with respect to amounts received on account of a sale of Part VI designated products, the question of whether a person has effective control of a corporation is one of fact and, in determining this issue, the court may disregard the form of any transaction and the separate corporate existence of any participant.

**Joint and several liability**

(3) If two or more persons are found liable for breach of trust in an action against a dealer with respect to amounts received on account of a sale of Part VI designated products, the persons are jointly and severally liable.

**Contribution**

(4) If two or more persons are found liable for breach of trust in an action against a dealer with respect to amounts received on account of a sale of Part VI designated products, one of those persons may bring an action or other proceeding for contribution from any of the other persons found liable for the breach of trust.

**Apportionment of liability**

(5) In an action or proceeding for contribution under subsection (4), the court may apportion liability and order,

- (a) contribution in such amount as will result in equal contribution by all parties liable for the breach of trust; or
- (b) if the court believes that equal contribution by all parties would not be fair, contribution in such amount as the court considers appropriate in the circumstances.

**Waiver, etc. void**

25 A written document provided by a producer to a dealer purporting to waive the producer's rights under, or release the dealer from the requirements provided in, sections 22 and 23 is void.

**PART VII  
FUNDS AND BOARDS**

ESTABLISHMENT OF FUNDS AND BOARDS

**Establishment of funds**

26 (1) Where an agricultural product is designated under Part II as a Part VII designated product, the Minister shall establish a fund for the benefit of,

- (a) all producers of the Part VII designated product in Ontario; and
- (b) any other persons who are entitled to make a claim against the fund by regulation or under section 46.

**Fund for more than one designated product**

(2) The Minister may establish a fund under this section with respect to two or more types of Part VII designated products, and the fund shall be for the benefit of,

- (a) all producers of any of the two or more types of Part VII designated products in Ontario; and
- (b) any other persons who are entitled to make a claim against the fund by regulation or under section 46.

**Separate accounting**

(3) If the Minister establishes a fund with respect to two or more types of Part VII designated products under subsection (2), the Minister shall ensure that each type of Part VII designated product is accounted for separately.

**Purpose of fund**

(4) The purpose of a fund established under this Part with respect to a Part VII designated product is,

- (a) to compensate a producer of the Part VII designated product in accordance with this Part and the regulations for any loss resulting from the failure of a licensed dealer to pay the producer on account of the sale of the Part VII designated product;
- (b) to compensate a producer or owner of the Part VII designated product in accordance with this Part and the regulations for any loss resulting from the failure of a licensed storage operator to provide the Part VII designated product to the producer or owner upon demand; and
- (c) to compensate any persons who are entitled to make a claim against the fund under the regulation or under section 46.



### **Establishment of boards**

**27** (1) Where an agricultural product is designated under Part II as a Part VII designated product, the Minister shall, for the purpose of administering the fund established under section 26 with respect to the designated product,

- (a) establish a board by regulation; or
- (b) designate, by regulation, a delegated authority to act as a board.

### **Regulation**

(2) A regulation under clause (1) (a) may establish a board to administer two or more funds established under section 26 with respect to two or more Part VII designated products.

### **Same**

(3) A regulation under clause (1) (a) shall designate the name by which the board shall be known.

### **Constitution of board**

**28** (1) A board established by regulation under section 27 shall be constituted in accordance with this Part and shall exercise such powers and perform such duties as may be specified in this Part.

### **Composition of board**

(2) A board shall be composed of at least three and not more than nine members to be appointed by the Minister.

### **Corporation without share capital**

(3) A board established by regulation under section 27 shall be established as a corporation without share capital.

### **Crown agent**

(4) A board shall be an agent of the Crown in right of Ontario for all of its purposes.

### **Powers of natural person**

(5) Except as limited by this Act, a board has the capacity, rights and powers of a natural person for the purposes of carrying out its functions.

### **Non-application of Acts**

(6) The *Not-for-Profit Corporations Act, 2010*, the *Corporations Information Act* and the *Insurance Act* do not apply to a board established by regulation under section 27, unless the Minister prescribes otherwise.

### **Application of *Business Corporations Act***

(7) The Minister may prescribe provisions of the *Business Corporations Act* that apply to a board established under this section and those provisions will apply to the board with any necessary modification.

### **Functions and powers**

**29** A board has the following functions and the powers to carry out those functions:

1. To manage and administer its fund or funds.
2. To investigate all claims made to it under this Act and to determine the extent of their validity.
3. To grant or refuse the payment of claims or any part thereof and determine the amounts and manner of payment.
4. To recover any money to which it is entitled under this Act by suit in a court of competent jurisdiction or otherwise.
5. To carry out the functions, and exercise the powers, under this Act or prescribed by regulation.

### **Board of directors**

**30** (1) The members of the board appointed under subsection 28 (2) shall constitute the board of directors of the board.

### **Remuneration**

(2) The Lieutenant Governor in Council may fix the remuneration of members of a board who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006*.

### **Functions of board of directors**

(3) The board of directors of a board shall manage and supervise the affairs of the board.

### **By-laws**

(4) The board of directors of a board may, by resolution, make by-laws that are consistent with this Act and the regulations, governing its proceedings and generally for the conduct and management of the affairs of the board, including establishing committees to assist in managing the affairs of the board.

**Same**

(5) If a by-law made under subsection (4) is inconsistent with a provision of this Act or the regulations, the by-law is invalid to the extent of the inconsistency.

**Delegation**

(6) The board of directors may delegate to a committee of the board, or to an officer or employee of the board, any of the board of director's powers other than the powers to,

- (a) make, amend or repeal the by-laws of the board;
- (b) approve the board's operating budget;
- (c) approve the board's business plan, annual report and financial statements;
- (d) adjudicate claims made under section 46; or
- (e) do any other thing that may be prescribed.

**Conditions**

(7) A delegation made under subsection (6) is subject to such conditions as may be set out in the delegation.

**Chair**

**31** (1) The Minister shall designate one of the members of a board as the chair of the board of directors.

**Vice-chair**

(2) The Minister may designate one or more members of a board as vice-chairs of the board of directors.

**Acting chair**

(3) If the chair is absent or unable to act, or if the office of the chair is vacant, a vice-chair shall act as the chair.

**No meeting**

(4) A board shall not conduct a meeting unless the chair or a vice-chair is able to act at the meeting.

**Quorum**

**32** The majority of the members of a board constitutes a quorum of the board of directors for the conduct of the board's affairs.

**Officers, employees, etc.**

**33** (1) A board may appoint such officers and employees as it considers necessary for the proper conduct of its affairs.

**Job categories, etc.**

(2) A board may establish job categories, salary ranges and conditions of employment for its officers and employees, subject to the approval of,

- (a) the Lieutenant Governor in Council, in the case of officers and employees who are members of a bargaining unit; or
- (b) the Minister, in the case of officers and employees who are not members of a bargaining unit.

**Definition**

(3) In this section,

"bargaining unit" has the same meaning as in the *Labour Relations Act, 1995*.

**Experts**

(4) A board may engage persons other than officers and employees to provide professional, technical or other assistance to the board.

**Fiscal year**

**34** The fiscal year of a board shall begin on April 1 in a year and end on March 31 in the following year.

**Audit**

**35** (1) The accounts and financial transactions of a board shall be audited each year by the Auditor General.

**Audit report**

(2) The Auditor General shall prepare a report of the audit and submit it to the board and to the Minister.

**Annual report**

**36** (1) A board shall prepare an annual report, provide it to the Minister and make it available to the public.

**Content of annual report**

- (2) A board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report;
  - (b) when to provide it to the Minister; and
  - (c) when and how to make it available to the public.

**Same**

- (3) A board shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

- (4) The Minister shall table a board's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**Immunity of employees, etc.**

**37** (1) No cause of action arises against, and no action or other proceeding may be instituted against, any of the following persons as a result of any act done in good faith in the performance or intended performance of the person's duties under this Act or any alleged neglect or default in the performance in good faith of the person's duties under this Act:

1. A current or former employee of the Crown.
2. A current or former member of a board or a current or former officer of a board.
3. A current or former employee of a board.

**Crown liability preserved**

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, paragraph 1 of subsection (1) of this section does not relieve the Crown of any liability to which it would otherwise be subject.

**Liability of boards preserved**

(3) Subsection (1) does not relieve a board of any liability to which it would otherwise be subject.

**Dissolution of funds and boards**

**38** (1) The Minister may, by regulation,

- (a) dissolve a board previously established or constituted under clause 27 (1) (a) of this Act or subsection 2 (1) of the *Farm Products Payments Act* and provide for the termination of the fund to which the board relates;
- (b) provide for any transitional matter necessary for the effective dissolution of a board, including,
  - (i) the transfer, without compensation, of any property, including assets, liabilities, rights, obligations, records, databases, accounts and money, that is held by any of the affected boards, and
  - (ii) the assignment, without compensation, of any contracts that a board has entered into before its dissolution; and
- (c) provide for the disposition of amounts remaining in a fund and such other measures as are necessary for the effective termination of a fund.

**Immunity of Crown**

(2) No cause of action arises against the Crown, a minister of the Crown, a Crown employee or a Crown agent as a direct or indirect result of the termination of a fund or the dissolution of a board under subsection (1).

**No proceeding**

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, shall be instituted against the Crown, a minister of the Crown, a Crown employee or a Crown agent by a person who suffers any damages, injury or other loss as a result of the termination of a fund or the dissolution of a board under subsection (1).

## ADMINISTRATION OF FUNDS

**By-laws**

**39** (1) As soon as possible after the appointment of the board of directors of a fund, the board of directors shall make by-laws governing the financial management of its fund, including respecting the borrowing, investing and managing of financial risks.

**Approval of Minister of Finance**

(2) The by-laws made under subsection (1) are not effective unless they are approved, in writing, by the Minister of Finance.

**Grant to new fund**

**40** When a fund is established under section 26, the Minister of Finance may make a grant out of the Consolidated Revenue Fund to the board that administers the fund and the grant shall not exceed \$25,000.

**Fees, producer**

**41** (1) A producer or owner of a Part VII designated product who sells the designated product to a dealer shall pay any prescribed fee with respect to the sale to the board established with respect to the designated product.

**Same, owner**

(2) An owner of a Part VII designated product who stores the designated product with a storage operator shall pay any prescribed fee with respect to the storage of that designated product to the board established with respect to the designated product.

**Same, prescribed person**

(3) A prescribed person who sells a Part VII designated product to another prescribed person in the prescribed circumstances shall pay any prescribed fee with respect to the sale to the board established with respect to the designated product.

**Collection and remittance**

(4) A fee payable under subsection (1), (2) or (3) shall be collected and remitted to the appropriate board in accordance with the regulations.

**Payments into funds**

**42** (1) All amounts that a board is entitled to receive under this Act shall be paid into the fund that it administers.

**Consolidated Revenue Fund**

(2) Despite Part I of the *Financial Administration Act*, the fees payable to a board under section 41 of this Act and any revenue, income and assets that a board receives from the management of a fund or otherwise under this Act do not form part of the Consolidated Revenue Fund.

**Loans**

**43** (1) If the amount standing to the credit of a fund is not sufficient for the purposes of making a payment for a claim made against the fund,

- (a) upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, authorize the Minister of Finance to make loans to the board that administers the fund in an amount of up to \$250,000;
- (b) the board may borrow such sums as are necessary for the purposes of paying any claims from a bank listed in Schedule I or II of the *Bank Act* (Canada), a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*, a credit union within the meaning of the *Credit Unions and Caisses Populaires Act, 2020* or another person; and
- (c) in the case of a board that administers more than one fund, the board may borrow money from another fund that it administers, subject to such conditions and requirements as may be prescribed.

**Same**

(2) A loan made under clause (1) (a) does not bear interest and shall be made on such terms as the Lieutenant Governor in Council directs.

**Guarantee of loans**

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may guarantee the payment of any loan made to a board under clause (1) (b) in an amount not exceeding \$1,000,000, on such terms as the Lieutenant Governor in Council considers proper.

**Amounts included in guarantee**

(4) A guarantee given under subsection (3) may, in addition to guaranteeing the payment of the principal amount of the loan, guarantee the payment of the following amounts with respect to the loan:

- 1. Any interest owing on the loan.
- 2. Fees, disbursements, allowances or charges owing by the board to its solicitor with respect to matters for which costs may be taxed under the Rules of Court.
- 3. Any other expenses that are reasonably and necessarily incurred in the course of collecting or attempting to collect money payable.

**Form of guarantee**

(5) A guarantee given under subsection (3) shall be in a form and manner approved by the Lieutenant Governor in Council.

**Same**

(6) A guarantee given under subsection (3) shall be signed by the Minister of Finance, or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being signed, the Province of Ontario is liable for the payment of the loan or part thereof and other amounts in accordance with the terms of the guarantee.

**Payment of guarantee**

(7) Payments to satisfy the liability of the Province of Ontario under a guarantee given under subsection (3) shall be made in accordance with section 12 of the *Financial Administration Act*.

**Payments out of fund**

**44** A board may make payments out of a fund only for the following purposes:

1. The payment of any claims made against the fund and permitted under this Act.
2. The payment of prescribed expenses that are incurred in the administration of this Act.
3. The repayment of any loans made to the board under clause 43 (1) (a) or (b).
4. The repayment of any payment made by the Province of Ontario as guarantor of a loan under a guarantee given under subsection 43 (3).

**Additional funds**

**45** (1) Despite section 43, if at any time the amount standing to the credit of the fund is insufficient for the purpose of paying claims, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the Minister of Finance to make a grant to a board, provide a loan to a board or guarantee a loan made to a board out of money appropriated for such purposes by the Legislature.

**Terms and conditions**

(2) A grant, loan or guarantee authorized pursuant to subsection (1) shall be on such terms and conditions as the Lieutenant Governor in Council directs.

**Grant discretionary**

(3) Nothing in this Act or the regulations requires the Lieutenant Governor in Council to authorize the Minister of Finance to do anything under subsection (1).

## CLAIMS AGAINST FUNDS

**Claims against funds****Application for payment from a fund**

**46** (1) The producer of a Part VII designated product that is sold by or on behalf of the producer may make a claim for payment out of the fund with respect to the Part VII designated product if,

- (a) the dealer has not paid the producer the price payable under the agreement to purchase or sell a designated product within the prescribed time; or
- (b) a proceeding under the *Bankruptcy and Insolvency Act* (Canada) or the *Companies' Creditors Arrangement Act* (Canada) has been initiated against the dealer.

**Same**

(2) The producer or owner of a Part VII designated product that has been stored with a storage operator may make a claim for payment out of the fund established with respect to that Part VII designated product if one of the following events has occurred:

1. The storage operator failed to deliver all or part of the stored Part VII designated product upon demand by the producer or owner.
2. A proceeding under the *Bankruptcy and Insolvency Act* (Canada) or the *Companies' Creditors Arrangement Act* (Canada) has been initiated against the storage operator.
3. All or any part of the storage operator's assets have been placed in the hands of a trustee for distribution under the *Bankruptcy and Insolvency Act* (Canada) or in the hands of a receiver for distribution pursuant to a debenture or like instrument and the trustee or receiver fails to deliver to the producer or owner all or any part of the Part VII designated product upon demand by the producer or owner.

**Claims by prescribed persons**

(3) A prescribed person may make a claim for payment out of a fund established with respect to a Part VII designated product in the prescribed circumstances.

**Claims**

**47** A person who wishes to make a claim for payment out of a fund under section 46 shall, in accordance with the regulations, submit the claim to the board that administers the fund.

**Hearing of claims**

**48** (1) If a claim for payment out of a fund is submitted to the board that administers the fund in accordance with the regulations, the chair of the board may appoint a panel to hear the claim.

**Panel**

(2) The panel shall be composed of at least three members of the board who have knowledge of the designated product to which the claim relates.

**Same**

(3) For greater certainty, the panel may be comprised of all of the members of the board.

**Chair of panel**

(4) The chair of the board shall designate one of the members of the panel to be the chair of the panel.

**Same**

(5) If the panel is comprised of all members of the board and the chair of the board does not designate another member of the panel to be the chair of the panel, the chair of the board shall be the chair of the panel.

**Member's resignation or expiration of term**

(6) If, before the panel renders its decision with respect to a claim, a member of the panel resigns as a member of the board or the term of office of the member expires, the member may carry out and complete any duties or responsibilities and exercise any powers as a member of the panel in connection with the claim until the decision is rendered.

**Simultaneous panels**

(7) The members of the board may sit in two or more panels simultaneously.

**Decision**

(8) The decision of the majority of the members of the panel constitutes the decision of the board and if there is no majority, the decision of the chair of the panel constitutes the decision of the board.

**Procedures**

**49** (1) In determining a claim under section 48, a board and a panel of the board shall follow such rules of practice and procedures as may be prescribed or determined by resolution of the board of directors of the board.

**Practice and procedures established by board of directors**

(2) The board of directors of a board may, by resolution, determine its own rules of practice and procedures for hearing claims, including procedures for dealing with claims that are frivolous, vexatious or made in bad faith without holding a full hearing on the merits of the claim.

**Conflict**

(3) In the event of a conflict between the rules of practice and procedures passed by resolution of a board of directors and the rules of practice and procedures prescribed by the regulations or provided for in this Act, the rules of practice and procedures prescribed by regulation or provided for in this Act shall prevail.

***Statutory Powers Procedure Act***

(4) The *Statutory Powers Procedure Act*, except for sections 4.2, 4.3 and 4.8 of that Act, applies to the adjudication of claims by a board.

**Payment of claims**

**50** (1) If a board or a panel of a board determines that all or part of a claim is valid, the board shall pay only the portion of the claim it found to be valid, subject to the regulations.

**No payment for invalid claims**

(2) For greater certainty, a board or panel of a board shall not pay for any claim or portion of a claim that it determines is invalid.

**Refusal of claim**

(3) A board or panel of a board shall refuse a claim in such circumstances, and subject to such conditions, as may be prescribed.

**Amount of payment**

(4) A board or panel of a board that hears a claim shall determine the amount that may be paid out of the fund to satisfy the claim in accordance with the regulations and subject to such limitations and conditions as may be prescribed by the regulations.

**Refund**

**51** If a claimant has received a payment from a fund and also receives a payment from or on behalf of a dealer, storage operator or other person in full or partial satisfaction of the same debt for which payment was made from the fund, the claimant shall pay to the board that administers the fund the lesser of,

- (a) the amount the claimant received from or on behalf of the dealer, storage operator or other person; or
- (b) the amount the claimant received from the fund.

**Orders by board**

**52** (1) Where a board pays a claim out of a fund as a result of the failure of a dealer, storage operator or prescribed person to pay a debt owing to the claimant, the chair of the board may issue to the dealer, storage operator or prescribed person,

- (a) an order to reimburse the board for the amount of the claim that was paid by the board to the claimant; and
- (b) an order to pay the costs of the board associated with conducting the claims proceeding.

**Content of order to reimburse**

(2) An order to reimburse a claim issued under clause (1) (a) shall set out,

- (a) the amount that is to be reimbursed;
- (b) the time by which the reimbursement is to be paid; and
- (c) any other matter that may be prescribed.

**Order for claimant to pay costs**

(3) The chair of a board may order a claimant to pay the costs of the board associated with conducting a hearing or other proceeding relating to the claim if,

- (a) the claim was refused by the board or panel of the board that heard the claim; and
- (b) the board or panel of the board that heard the claim found that the claim was frivolous, vexatious or made in bad faith.

**Content of order to pay costs**

(4) An order to pay costs issued under clause (1) (b) or subsection (3) shall set out,

- (a) the amount of the costs that are to be paid, together with a description of each cost and receipts for the costs;
- (b) the right of the person receiving the order to appeal the order to the Tribunal under section 53; and
- (c) any other matter that may be prescribed.

**Appeal to Tribunal**

**53** (1) Within 15 days after an order to pay costs under clause 52 (1) (b) or subsection 52 (3) is issued, the person against whom the order is made may appeal the order to the Tribunal by serving notice of the appeal on the board who issued the order and on the Tribunal.

**Appeal hearing**

(2) Upon receiving notice of an appeal under subsection (1), the Tribunal shall set a date for and hold a hearing to review whether the decision of the chair of the board to issue the order was reasonable.

**Extension of time for appeal**

(3) The Tribunal may extend the time for serving notice of appeal, either before or after the end of the 15-day period referred to in subsection (1), if the Tribunal is satisfied that there are reasonable grounds for granting the extension.

**Stay**

(4) The serving of a notice of appeal under subsection (1) operates as a stay of the order that is the subject of the appeal until the disposition of the appeal.

**Record of proceeding**

(5) The chair of the board that made the order that is the subject of an appeal under this section shall provide the Tribunal with a copy of the order as soon as practicable after receiving notice of the appeal under subsection (1).

**Powers on appeal**

- (6) After holding a hearing to review the chair of the board's decision to issue the order, the Tribunal shall,
- (a) if it finds that the decision was reasonable, confirm the decision; or
  - (b) if it finds that the decision was not reasonable, determine a reasonable amount for the appellant to pay and order that the appellant to pay that amount.

**Burden of proof**

- (7) The burden of proof in an appeal under this section rests with the appellant to prove, on the balance of probabilities, that the amount that the appellant is required to pay under the order that is the subject of the appeal is not reasonable.

**Decision final**

- (8) The decision of the Tribunal in an appeal under this section is final.

**Payment of ordered amounts**

**54** (1) A person who is ordered to reimburse a claim or to pay the costs of a claim proceeding under section 52 shall pay the amount ordered,

- (a) within the time set out in the order, if the person was ordered to reimburse a claim; or
- (b) if the person gives notice of an appeal of the order under section 53, within 30 days after the Tribunal issues a decision on the appeal that upholds all or part of the order to pay the costs of a claim proceeding.

**Enforcement of order**

- (2) If a person fails to pay an amount payable under an order made under section 52 within the times required under subsection (1) of this section, the chair of the board that issued the order may file the order with a court of competent jurisdiction and enforce it as if it was an order of the court.

**Failure to pay order**

- (3) If an order under section 52 was made against a licensed dealer or licensed storage operator and the licensed dealer or licensed storage operator fails to pay the amount payable under the order within the time required under subsection (1) of this section, the chair of the board that issued the order may inform the Director of the outstanding debt owing.

**Same**

- (4) Where the Director receives information from the chair of the board under subsection (3),
- (a) if more than 30 days have elapsed after the time for paying the order specified in subsection (1) and no available appeal of the order has been made to the Tribunal, the Director shall,
    - (i) pay the amount payable under the order to the board out of any security that the Director holds from the licensed dealer or licensed storage operator, and
    - (ii) require the licensed dealer or licensed storage operator to deposit as security with the Director the amount paid by the Director under subclause (i) in order to restore the amount of security to its previous level;
  - (b) if more than 30 days have elapsed after the time for paying the order specified in subsection (1) and no available appeal of the order has been made to the Tribunal, the Director shall suspend or refuse to renew any dealer's licence or storage operator's licence issued to the dealer or storage operator until such time as the dealer or storage operator, as the case may be, has paid the debt owing or entered into a repayment plan with the board to repay the debt owing that is satisfactory to the chair; and
  - (c) in the event a dealer or storage operator has entered into a repayment plan with the board under clause (b) and commits a breach of any terms or conditions of the repayment plan, the Director shall suspend or refuse to renew any dealer's licence or storage operator's licence issued to the dealer or storage operator until such time as the dealer or storage operator, as the case may be, has paid the debt owing or remedied the breach of the existing repayment plan with the board.

**No appeal**

- (5) The actions of the Director under subsection (4) cannot be appealed to the Tribunal.

**Failure to pay after 45 days**

- (6) If more than 45 days have elapsed after the time for paying the order specified in subsection (1) and the person against whom the order was made has not yet paid the debt owing, the chair of the board that issued the order may,
- (a) disclose to a consumer reporting agency the name of the person who has failed to pay under the order, the amount that is payable under the order and the day on which the payment was due; or
  - (b) issue an order creating a lien against the property of the person who has failed to pay under the order.



**Information to consumer reporting agency**

(7) If the chair of a board discloses information about a person who has failed to pay an amount payable under an order made under section 52 to a consumer reporting agency and the person subsequently pays the amount payable under the order in full, the chair of the board shall notify the consumer reporting agency within 10 days after the amount is paid.

**Lien on personal property**

(8) If a lien is created under clause (6) (b) against personal property, the *Personal Property Security Act*, except Part V, applies with necessary modifications to the lien, despite clause 4 (1) (a) of that Act, and,

- (a) the lien shall be deemed to be a security interest that has attached for the purposes of the *Personal Property Security Act*; and
- (b) the chair of the board that created the lien may perfect the security interest for the purposes of the *Personal Property Security Act* by registration of a financing statement.

**Lien on real property**

(9) If a lien is created under clause (6) (b) against real property, the chair of the board that created the lien may register the lien against the real property in the proper land registry office and on registration, the obligation under the lien becomes a charge on the property.

**Same**

(10) If a lien against real property is registered in the proper land registry office under subsection (9), no proceedings against the lien shall be initiated.

**Payment of amounts ordered**

(11) If a lien is created under subsection (8) or (9) and the person pays in full the amount payable under the order made under section 52 that led to the lien being created and any costs incurred to register the lien, the chair of the board that created the lien shall, within 10 days of the chair learning that the amount has been paid,

- (a) in the case of a lien against personal property, discharge the registration of any financing statement; and
- (b) in the case of a lien against real property, register a discharge of the lien in the proper land registry office.

**Interest**

(12) Money owing under an order made under section 52 bears interest at a rate that shall be determined in accordance with section 129 of the *Courts of Justice Act* as though the order under section 52 was an order under that Act.

**Money received under order**

(13) All amounts, including interest and reimbursement of any collection costs, paid under an order made under section 52 to a board shall be deposited into the fund that it administers with respect to the relevant Part VII designated product.

**PART VIII  
LICENCES**

**Application for a licence**

**55** A person who wishes to apply for a dealer's licence or a storage operator's licence shall submit an application to the Director in accordance with this Act and the regulations and may be required to pay a prescribed fee.

**Issuance of licences**

**56** (1) The Director shall issue a licence to an applicant who satisfies the prescribed requirements, unless the Director believes, on reasonable grounds, that,

- (a) based on past conduct of the applicant, any officers, directors or representatives of the applicant or any other person having effective control of the applicant's operations, the operations that would be authorized by the licence will not be carried out in accordance with this Act, the regulations or any conditions the Director may impose on the licence;
- (b) the applicant, any officers, directors or representatives of the applicant or any other person having effective control of the applicant's operations is or are not competent to carry on the business to which the licence relates;
- (c) the applicant will not have available at its place of business the facilities and equipment necessary to carry out the business authorized by the licence in accordance with this Act or the regulations;
- (d) the applicant, any officers, directors or representatives of the applicant or any other person having effective control of the applicant's operations owe money to a fund established under section 26, unless the applicant, or any officers, directors or representatives of the applicant, has or have a repayment plan and is or are in good standing regarding payments under that repayment plan;

- (e) the applicant, any officers, directors or representatives of the applicant or any other person having effective control of the applicant's operations is or are not suitable to be licensed having regard to such circumstances as may be prescribed; or
- (f) any prescribed grounds exist that disentitle the applicant to the issuance of a licence.

**Proposal to refuse application**

(2) If the Director proposes to refuse to issue a licence to the applicant, the Director shall take the steps required by section 61.

**Renewal of licence**

**57** (1) A person who has a licence may apply to the Director to renew the licence.

**Application**

(2) The applicant shall submit the application for renewal to the Director in accordance with this Act and the regulations and shall,

- (a) pay any prescribed fee; and
- (b) meet any other prescribed requirements.

**Deadline**

(3) The application must be made within the prescribed period or, if no period is prescribed, before the expiry date of the licence.

**Renewal**

(4) The Director shall renew the licence of an applicant who satisfies the prescribed requirements unless the Director believes, on reasonable grounds, that,

- (a) any grounds or circumstances exist that would disentitle the applicant to the issuance of a licence under subsection 56 (1);
- (b) the premises, facilities and equipment used in the operations authorized by a licence do not comply with this Act or the regulations;
- (c) the applicant, any officers, directors or representatives of the applicant or any other person having effective control of the applicant's operations has or have contravened any provision of this Act, the regulations or any conditions attached to the licence and such contravention warrants a refusal to renew the licence;
- (d) the applicant has permitted any person under the applicant's control or direction in connection with the operations authorized by the license to contravene any provision of this Act, the regulations or any conditions attached to the licence, and such contravention warrants a refusal to renew the licence;
- (e) the applicant, any officers, directors or representatives of the applicant or any other person having effective control of the applicant's operations is or are not suitable to be licensed having regard to such circumstances as may be prescribed; or
- (f) any prescribed grounds exist that disentitle the applicant to the renewal of a licence.

**Conditions**

(5) Upon renewal, the licence may be made subject to different conditions than those to which it was subject before the renewal.

**Proposal to refuse application**

(6) If the Director proposes to refuse to renew a licence, the Director shall take the steps required by section 61.

**Continuation pending renewal**

(7) If the application for renewal is made by the deadline described in subsection (3) and meets the requirements set out in subsection (2), the licence continues in effect after the expiry date until,

- (a) the Director notifies the applicant that the licence is renewed; or
- (b) if the Director proposes to refuse the renewal, until the earliest of,
  - (i) the day the appeals process under this Part is concluded,
  - (ii) the expiry of the period for requesting a hearing about the proposal, if no request for such hearing is made under subsection 61 (4), or
  - (iii) the day the applicant informs the Director that the applicant does not require a hearing.

**Exception**

(8) Despite subsection (7), a licence will not continue to be in effect after the expiry date if the Director determines that the licensee has contravened the Act, the regulations or a condition of their licence during the term of the licence.

**Conditions and amendments**

**58** (1) The Director may at any time, by order and without first holding a hearing,

- (a) impose conditions on a licence that the Director considers appropriate; or
- (b) amend a licence in any manner the Director considers appropriate.

**Conditions of licence**

(2) A licence is subject to those conditions to give effect to the purposes of this Act that,

- (a) are imposed by virtue of this Part; or
- (b) are imposed under this Act or that are required to be imposed under the regulations.

**Timing**

(3) An order under subsection (1) takes effect immediately upon the order being served.

**Removal of conditions**

(4) The Director may, on the application of a licensee, remove or vary a condition attached to the licence and, if the Director proposes to refuse to remove the condition attached to the licence, section 61 applies.

**Process**

(5) If the Director issues an order under subsection (1), the Director shall take the steps required by section 61.

**Interim order to suspend without hearing**

**59** (1) The Director shall, without first holding a hearing, impose an interim order to suspend a licence if,

- (a) the Director believes on reasonable grounds that the suspension is necessary for the immediate protection of,
  - (i) the safety or health of any person or the public,
  - (ii) the interests of persons selling designated products,
  - (iii) the interests of persons storing designated products, or
  - (iv) any fund established under section 26; or
- (b) one of the prescribed conditions for issuing the order has been met.

**Process**

(2) If the Director issues an order under subsection (1), the Director shall take the steps required by section 61.

**Timing**

(3) An interim order to suspend a licence under subsection (1) takes effect immediately upon the order being served.

**Effect**

(4) During the suspension, the licensee is not authorized to carry on the operations authorized by the licence.

**Revocation**

(5) The Director may revoke an interim order to suspend a licence at any time.

**Suspension or revocation of licence**

**60** (1) The Director may by order suspend or revoke a licence for any reason that would disentitle the licensee to the renewal of the licence under subsection 57 (4).

**Proposal to suspend**

(2) If the Director proposes to suspend or revoke a licence without the licensee's consent, the Director shall take the steps required by section 61.

**Appeals to Director****Application**

**61** (1) This section applies if the Director does any of the following:

1. Proposes to refuse to issue a licence.

2. Proposes to refuse to renew a licence.
3. Proposes to suspend or revoke a licence.
4. Proposes to refuse to remove a condition on a licence.
5. Issues an order imposing conditions on a licence.
6. Issues an order amending a licence.
7. Issues an interim order suspending a licence.

#### **Notice**

(2) The Director shall give the applicant or licensee written notice of a proposal referred to in paragraphs 1 to 3 of subsection (1).

#### **Content of notice or order**

(3) A notice provided under subsection (2) or an order issued under this Part shall include the following information:

1. The reasons for the proposal or order, as the case may be.
2. Information indicating that the applicant or licensee can request a hearing by the Director about the order and informing the applicant or licensee about the process for requesting such a hearing.
3. Any prescribed information for that proposal or order.

#### **Right to hearing**

(4) If the applicant or licensee requests a hearing in writing within 15 days after the notice or order is received, the Director shall hold a hearing.

#### **Opportunity to show or achieve compliance**

(5) An applicant or licensee who receives a notice or is issued an order and who requests a hearing shall be provided with the opportunity to show or achieve compliance before the hearing with the Director.

#### **Examination of documentary evidence**

(6) Before the hearing with the Director, the applicant or licensee shall be provided with the opportunity to examine any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

#### **Powers of the Director**

(7) If the Director has received a written request under subsection (4), the Director may make the following decisions:

1. Before holding the hearing, the Director may decide to vary or rescind the proposal or order, as the case may be, if the decision would not adversely impact the interests of the applicant, the licensee or a person who has an interest in the licence.
2. After holding the hearing, the Director may make any decision that the Director considers reasonable.

#### **Notice of decision**

(8) The Director shall give to the applicant or licensee written notice of the decision that includes the following information:

1. The reasons for the decision.
2. Information indicating that the applicant or licensee can request a hearing by the Tribunal about the decision and informing the applicant or licensee about the process for requesting such a hearing.
3. Any prescribed information.

#### **Hearing not requested**

(9) If the applicant or licensee does not request a hearing with the Director or does not make the request in accordance with subsection (4), the Director may carry out the proposal or the order will remain in effect, as the case may be.

#### **No appeal**

(10) An order that remains in effect pursuant to subsection (9) or the decision of the Director to carry out the proposal under subsection (9), as the case may be, cannot be appealed.

#### **Appeal to Tribunal**

#### **Right to review**

**62** (1) If the applicant or licensee requests a review hearing in writing of the Director's decision under subsection 61 (7) and informs the Director of this request, within 15 days after the notice under subsection 61 (8) is received the Tribunal shall hold a hearing to review the Director's decision.

**Extension of time to appeal**

(2) The Tribunal may extend the time for requesting a hearing either before or after the expiration of the 15 days if the Tribunal is satisfied that there are reasonable grounds for applying for the extension.

**Documentary evidence**

(3) As soon as reasonably possible after receiving a notice to request a hearing, the Director shall provide the Tribunal with a record of the proceeding in which the Director made the decision.

**New evidence**

(4) The Tribunal may consider evidence the Director did not consider if the Tribunal is satisfied that it was not possible to present that evidence to the Director during the Director's hearing.

**Immediate effect**

(5) Even if the applicant or licensee requests a hearing, the Director's decision takes effect immediately, unless the order provides otherwise, and the Tribunal may only grant a stay at the direction of the Director.

**Parties**

(6) The Director, the applicant or licensee and any other party specified by the Tribunal are parties to the hearing.

**Powers of Tribunal**

(7) After holding the hearing to review the Director's decision, the Tribunal shall,

- (a) if it finds that the Director's decision was reasonable, confirm the Director's decision; or
- (b) if it finds the Director's decision was not reasonable,
  - (i) substitute its opinion for that of the Director and impose such conditions as it considers appropriate, or
  - (ii) direct the Director to alter the decision.

**Appeal to Court**

**63** (1) A party to a hearing held by the Tribunal may appeal the order of the Tribunal to the Divisional Court.

**Standard of review**

(2) In any review of a decision of the Tribunal, the decision of the Tribunal that has been appealed shall not be altered or set aside unless it is not reasonable.

**Immediate effect**

(3) Even if the applicant or licensee appeals a decision of the Tribunal, the decision takes effect immediately, unless the Tribunal decides otherwise.

**Minister to be heard**

(4) If an appeal is made under this section, the Minister is entitled to be heard on the appeal.

**Record to be filed in Court**

(5) The chair of the Tribunal shall file with the Court the record of proceedings before the Tribunal which, together with a transcript of the evidence before the Tribunal if it is not part of the Tribunal's record, shall constitute the record in the appeal.

**Powers of Court**

(6) Upon hearing the appeal of the Tribunal's decision, the Court shall,

- (a) if it finds that the Tribunal's decision was reasonable, confirm the Tribunal's decision; or
- (b) if it finds the Tribunal's decision was not reasonable,
  - (i) substitute the Court's opinion for that of the Tribunal and impose such conditions as the Court considers appropriate,
  - (ii) direct the Director to alter the decision, or
  - (iii) direct the Tribunal to reconsider the decision.

**Licence Registry**

**64** The Minister may, by regulation,

- (a) require the Director to establish a publicly available licence registry, which may also include the names of people who are exempted from requiring a licence;
- (b) prescribe the manner of establishing the registry and the form and location of the registry;

- (c) prescribe the information to be included in the registry.

**PART IX  
INSPECTIONS AND ENFORCEMENT**

**INSPECTIONS**

**Inspectors**

**65** (1) The Director may, for the purpose of ensuring compliance with this Act and the regulations, designate persons as inspectors in accordance with the following:

1. If the Director is appointed by the Minister, the Director may designate only persons employed by the Ministry.
2. If the Director is appointed by the delegated authority, the Director may designate only persons employed by the delegated authority.

**Designation of inspectors under other Acts**

(2) Despite subsection (1), the Director may designate an inspector under another Act who is not employed by the Ministry or the delegated authority as an inspector for the purposes of this Act if, prior to the designation, the inspector and the Minister or delegated authority, as the case may be, enter into an agreement that includes the prescribed information.

**Limitation on inspectors**

(3) The Director shall not designate as an inspector a member of the board of directors of the delegated authority.

**Certificate of designation**

(4) A person designated under subsection (1) or (2) who is acting as an inspector under this Act shall, on request, produce their certificate of designation.

**Limitation on powers**

(5) The Director may limit the powers of an inspector and such limitation shall be included in the certificate of designation.

**Inspections**

**66** (1) For the purposes of carrying out an inspection, an inspector may enter any place or conveyance used for the business of buying, selling or storing a designated product.

**Dwellings**

(2) The power to enter and inspect under this section shall not be exercised as a power to enter and inspect a place or conveyance or a part of a place or conveyance that is used as a dwelling unless a warrant under section 158 of the *Provincial Offences Act* has been issued.

**Powers of inspector**

- (3) An inspector conducting an inspection may,
- (a) examine records or anything else that is relevant to the inspection;
  - (b) demand the production of a record or any other thing that is relevant to the inspection;
  - (c) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for review, examination or testing;
  - (d) on issuing a written receipt for it, obtain and remove a designated product at the expense of the owner of the designated product;
  - (e) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for copying;
  - (f) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
  - (g) take photographs or make any other kind of recording;
  - (h) inquire into all financial transactions, records and other matters that are relevant to the inspection; and
  - (i) carry out any other prescribed activity.

**Obligation to produce and assist**

(4) If an inspector demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it immediately upon demand and, in the case of a record, shall, on request, provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

### **Records and things removed from place**

- (5) A record or other thing that has been removed for review, examination, testing or copying,
- (a) shall be made available, on request, to the person from whom it was removed and at a time and place that are convenient for the person and for the inspector; and
  - (b) shall be returned to the person within a reasonable time, unless, in the case of a thing that has been subject to testing, the thing has been made unsuitable for return as a result of the testing.

## **ENFORCEMENT**

### **Compliance orders**

**67** (1) This section applies if the Director or an inspector that is permitted by the regulations to issue compliance orders is of the opinion that,

- (a) a person is committing any act or pursuing any course of conduct that contravenes or does not comply with a requirement established under this Act, the regulations, a licence or a term or condition on a licence;
- (b) a person is committing any act or pursuing any course of conduct that might reasonably be expected to result in a state of affairs that would contravene or not comply with a requirement established under this Act, the regulations, a licence or a term or condition on a licence; or
- (c) a person has committed any act or pursued any course of conduct that contravenes or does not comply with a requirement established under this Act, the regulations, a licence or a term or condition on a licence.

### **Order**

(2) The Director or, in the prescribed circumstances, an inspector may, without holding a hearing, issue an order to the person to cease committing or cease pursuing a course of conduct identified by the Director or inspector or to perform such acts as, in the opinion of the Director or inspector, are necessary to remedy the situation.

### **Content of order**

(3) An order issued under subsection (2) shall include the following information:

1. Any timelines in which the person against whom the order is made is required to comply.
2. The reasons for the order.
3. Information indicating that the person can request a hearing by the Tribunal about the order and informing the person about the process for requesting such a hearing.
4. Any prescribed information.

### **Right to hearing**

(4) Whether an order was issued by the Director or an inspector, if a person requests a hearing in writing, and informs the Director of this request, within 15 days after the order is received, the Tribunal shall hold a hearing to review the order.

### **Extension of time to appeal**

(5) The Tribunal may extend the time for requesting a hearing either before or after the expiration of the 15 days if the Tribunal is satisfied that there are reasonable grounds for applying for the extension.

### **Documentary evidence**

(6) As soon as reasonably possible after receiving a notice to request a hearing, the Director or inspector shall provide the Tribunal with all documentary evidence the Director or inspector relied upon when issuing the order.

### **New evidence**

(7) The Tribunal may consider evidence the Director or inspector did not consider if the Tribunal is satisfied that it was not possible to present that evidence to the Director or inspector before the Director or inspector issued the order.

### **Immediate effect**

(8) Even if a person requests a hearing, the order takes effect immediately, unless the order provides otherwise, and the Tribunal may only grant a stay at the direction of the Director.

### **Parties**

(9) The Director, the inspector if the order was issued by an inspector and the person who requested the hearing are parties to the hearing.

**Powers of Tribunal**

(10) After holding the hearing to review the decision of the Director or inspector to issue the compliance order, the Tribunal shall,

- (a) if it finds that the decision was reasonable, confirm the decision; or
- (b) if it finds that the decision was not reasonable, rescind the decision.

**Burden of proof**

(11) The person that requested the hearing has the burden of proving that on the balance of probabilities the decision to issue the compliance order was not reasonable.

**No appeal**

(12) The decision of the Tribunal cannot be appealed.

**Enforcement re stored designated products**

**68** (1) The Director may, by order, take the following actions if the Director believes, on reasonable grounds, that such actions are needed to protect the interests of a producer or owner of a designated product being stored with a storage operator:

1. Require the storage operator to cease operating and, if necessary, seal any storage containers, until the amount of the designated product in storage can be ascertained.
2. Seize some or all of the designated product from the storage operator.
3. Move some or all of the designated product to the control of a different storage operator.
4. Distribute the designated product, on a proportionate basis, to the producers or owners of the designated product.
5. Sell some or all of the designated product and distribute the proceeds, on a proportionate basis, to the producers or owners of the designated product.
6. Insure the designated product with an insurer licenced under the *Insurance Act*.
7. Any prescribed actions.

**Director's order**

(2) An order issued under subsection (1) shall include the following information:

1. If applicable, the actions the Director will take or the actions the Director is requiring the storage operator to take, as the case may be.
2. Any timelines in which the storage operator is required to comply.
3. The reasons for the order.
4. Information indicating that the storage operator can request a hearing by the Tribunal about the order and informing the storage operator about the process for requesting such a hearing.
5. Any prescribed information.

**Costs order**

(3) The Director may issue a costs order against the storage operator to recover any costs the Director incurs by taking actions described in paragraphs 2 to 7 of subsection (1).

**Contents of costs order**

- (4) An order issued under subsection (3) shall include,
- (a) the amount the storage operator is required to pay;
  - (b) a description of the costs being charged;
  - (c) copies of receipts for the costs being charged; and
  - (d) any other prescribed information.

**Payment**

(5) The debt owing pursuant to a costs order is payable to,

- (a) His Majesty the King in Right of Ontario if the Minister appointed the Director; or
- (b) The delegated authority if the delegated authority appointed the Director.



**No appeal**

(6) The costs order is final and cannot be appealed.

**Freeze orders****Application**

**69** (1) An order under this section can be made only with respect to a designated product.

**Freeze order**

(2) Upon request of a producer or owner or on the Director's own initiative, and if any of the conditions in subsection (3) are met, a Director may, in writing,

- (a) order any person having on deposit or controlling any assets or trust funds of a licensed dealer or licensed storage operator to hold those assets or funds;
- (b) order a licensed dealer or licensed storage operator to refrain from withdrawing any asset or trust fund from a person having it on deposit or controlling it; or
- (c) order a licensed dealer or licensed storage operator to hold any asset or trust fund of a producer or owner in trust for the person entitled to it.

**Conditions**

(3) The Director may issue an order under subsection (2) if,

- (a) a dealer is late in making a payment owing to a producer;
- (b) a dealer, producer or prescribed person owes money to a fund established under Part VII; or
- (c) a storage operator is late in returning all or part of the designated product to its owner.

**Contents of order**

(4) An order issued under subsection (2) shall include the following information:

- 1. Any timelines in which the person against whom the order is made is required to comply.
- 2. The reasons for the order.
- 3. Information indicating that the person can request a hearing by the Tribunal about the order and informing the person about the process for requesting such a hearing.
- 4. Any prescribed information.

**Limitation**

(5) In the case of a bank or authorized foreign bank as defined in section 2 of the *Bank Act* (Canada), a credit union within the meaning of the *Credit Unions and Caisses Populaires Act, 2020* or a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*, the order under subsection (2) of this section applies only to the offices and branches named in the order.

**Payment of damages**

(6) If the Director makes an order upon the request of a producer or owner and the Tribunal determines that the request was frivolous, vexatious or in bad faith and awards damages against the person that requested the order,

- (a) the Director shall pay for any damages the order caused to the person against whom the order was made out of any security the Director held on behalf of the producer or owner; and
- (b) the person that requested the order shall pay any debt owing after the Director's payment.

**Release of assets**

(7) The Director may,

- (a) consent to the release of any particular asset or trust fund from the order; or
- (b) wholly revoke the order, unless the Director made the order on the request of a producer or owner and,
  - (i) that producer or owner files a prescribed security with the Director,
  - (ii) the amount of the security is acceptable to the Director, and
  - (iii) the security is filed in a manner that is acceptable to the Director.

**Notice on title**

(8) If an order is made under this section, the Director may register in the appropriate land registry office a notice on title that an order under subsection (2) has been issued and that the order may affect land belonging to the person specified in the notice.

**Effect of notice**

(9) The notice registered under subsection (8) has the same effect as the registration of a certificate of pending litigation except that the Director may, in writing, revoke or modify the notice.

**Cancellation or discharge application**

(10) A person against whom an order has been made under subsection (2) or any person having an interest in land in respect of which a notice is registered under subsection (8) may apply to the Tribunal for cancellation in whole or in part of the order or for discharge in whole or in part of the registration.

**Same**

(11) Subsections (14) to (21) apply, with necessary modifications, with respect to a hearing in respect of a notice on title pursuant to subsection (8).

**Application to Superior Court of Justice**

(12) An application may be made to the Superior Court of Justice for a determination in respect of the disposition of an asset or trust fund,

- (a) by a person in receipt of an order under subsection (2), if that person is in doubt as to whether the order applies to the asset or trust fund; or
- (b) by a person who claims an interest in the asset or trust fund subject to the order.

**Same**

(13) The Director may apply to the Superior Court of Justice for a determination in respect of the disposition of an asset or trust fund or in respect of a notice on title registered pursuant to subsection (8).

**Right to hearing**

(14) If a dealer or storage operator requests a hearing in writing, and informs the Director of this request, within 15 days after the order under subsection (2) is received, the Tribunal shall hold a hearing to review the Director's decision to issue a freeze order.

**Extension of time to appeal**

(15) The Tribunal may extend the time for requesting a hearing either before or after the expiration of the 15 days if the Tribunal is satisfied that there are reasonable grounds for applying for the extension.

**Immediate effect**

(16) Even if a person requests a hearing, the order takes effect immediately, unless the order provides otherwise, and the Tribunal may only grant a stay at the direction of the Director.

**Parties**

(17) The Director, the person against whom the order is made and the person who requested the Director to issue the order are parties to the hearing.

**Powers of Tribunal**

(18) After holding the hearing to review the Director's decision to issue the order, the Tribunal shall,

- (a) confirm the Director's decision if the Tribunal finds that the decision was reasonable to protect the producer or owner of the designated product; or
- (b) rescind the Director's order if the Tribunal finds that the order,
  - (i) was not reasonable to protect the producer or owner of the designated product, or
  - (ii) unduly prejudiced the interests of the dealer, storage operator or any other person who has an interest in land on which the order was registered against.

**Same**

(19) If the Tribunal determines that the request by a producer or owner for a freeze order was frivolous, vexatious or in bad faith, the Tribunal may award damages against that producer or owner.

**Burden of proof**

(20) The person that requested the hearing has the burden of proving that on the balance of probabilities the requirements in subsection (18) have or have not been met, as the case may be.

**No appeal**

(21) The decision of the Tribunal is final and cannot be appealed.

## ADMINISTRATIVE PENALTIES

**Administrative penalties**

**70** (1) An administrative penalty can be imposed only with respect to designated products.

**Interpretation**

(2) In sections 71 to 78,

“appeal body” means the prescribed appeal body or, if no appeal body is prescribed, the Tribunal.

**Statutory Powers Procedure Act**

(3) If an appeal body is prescribed, the *Statutory Powers Procedure Act* does not apply to a hearing held by the appeal body.

**Purposes**

**71** (1) An administrative penalty may be imposed under section 70 for the following purposes:

1. To promote compliance with the requirements established under this Act and the regulations.
2. To prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of contravening or failing to comply with a requirement established under this Act.

**No limit on other regulatory measures**

(2) An administrative penalty may be imposed alone or in conjunction with any other regulatory measure provided by this Act, including any orders or the imposition of conditions on, amendments to or suspension or revocation of a licence.

**Order**

(3) If the Director is satisfied that a person is contravening or not complying with or has contravened or not complied with a requirement established under this Act or the regulations or a term or condition imposed on a licence, the Director may, by order, impose an administrative penalty on the person in accordance with this Part and the regulations.

**Payment**

(4) The debt owing pursuant to an administrative penalty is payable to,

- (a) His Majesty the King in Right of Ontario if the Minister appointed the Director; or
- (b) the delegated authority if the delegated authority appointed the Director.

**Contents of the order**

(5) An order issued under subsection (3) shall include the following information:

1. The amount of the penalty and the payment requirements.
2. The reasons for the order.
3. Information indicating that the person or entity can request a hearing by the appeal body about the order and informing the person about the process for requesting such a hearing.
4. Any prescribed information.

**Limitation**

(6) The Director shall not issue an order under subsection (3) more than two years after the day the Director became aware of the contravention or failure to comply.

**Absolute liability**

(7) An order made under subsection (3) imposing an administrative penalty against a person applies even if,

- (a) the person took all reasonable steps to prevent the contravention on which the order is based; or
- (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

**No hearing required**

(8) The Director is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (3) against the person.

**Non-application of other Act**

(9) The *Statutory Powers Procedure Act* does not apply to an order made under subsection (3).

**Right to appeal**

**72** (1) If a person requests a hearing in writing, and informs the Director of this request, within 15 days after the order under subsection 71 (3) is received, the appeal body shall hold a hearing to review the Director's decision to issue the order.

**Extension of time to appeal**

(2) The appeal body may extend the time for requesting a hearing either before or after the expiration of the 15 days if the appeal body is satisfied that there are reasonable grounds for applying for the extension.

**Effect of appeal**

(3) If a person requests a hearing, the requirement to pay the penalty is stayed until the appeal body makes a decision.

**Parties**

(4) The Director and the person who requested the hearing are parties to the hearing.

**Powers of appeal body**

(5) After holding the hearing to review the Director's decision to issue the order, the appeal body shall,

- (a) if it finds that the Director's decision was reasonable, confirm the order; or
- (b) if it finds that the Director's decision was not reasonable, rescind the order.

**Burden of proof**

(6) The person that requested the hearing has the burden of proving that on the balance of probabilities the Director's decision to issue the order was not reasonable.

**No appeal**

(7) The decision of the appeal body cannot be appealed.

**Maximum administrative penalty**

**73** (1) The amount of an administrative penalty shall reflect the purpose of the penalty, but the amount of the penalty shall not exceed \$10,000 for each day or part of a day on which the contravention occurs or continues.

**Same**

(2) Despite subsection (1), if a person has profited as a result of a contravention, the amount of the administrative penalty may include the amount earned in profit.

**Timing of payment**

**74** A person is required to pay the administrative penalty,

- (a) at the time set out in the order issued under subsection 71 (3) if no request for hearing is made; or
- (b) 30 days after the day the appeal body makes a decision if the decision is to order the Director to impose the proposed administrative penalty.

**Effect of payment**

**75** If a person against whom an order imposing an administrative penalty is made pays the penalty in accordance with the terms of the order, the person cannot be charged with an offence under this Act in respect of the same contravention on which the order is based.

**Enforcement**

**76** (1) If a person fails to pay an administrative penalty imposed under this Part in accordance with the terms of the order imposing the penalty, the Director may file the order with a court of competent jurisdiction and the order may be enforced as if it were an order of the court.

**Date of order**

(2) For the purposes of section 129 of the *Courts of Justice Act*, the day on which the order is filed with the court shall be deemed to be the date of the order.

**Additional remedies**

(3) Without limiting the availability of any other remedies, if a person fails to pay an administrative penalty imposed under this Part in accordance with the terms of the order imposing the penalty, the Director may take one or more of the following actions:

1. Pay the administrative penalty from any security the Director holds on behalf of the licenced dealer or licenced storage operator and require a licenced dealer or licensed storage operator to deposit with the Director such additional security as is required to restore the amount of security to its previous levels.
2. If payment is not made in accordance with the terms of the order within 30 days after an administrative penalty was due to be paid, suspend any licence the person holds pursuant to this Act until the administrative penalty is paid and there is no appeal to the Tribunal of such a suspension.
3. If payment is not made in accordance with the terms of the order within 30 days after an administrative penalty was due to be paid, refuse to renew the licence of the person until the administrative penalty is paid and there is no appeal to the Tribunal of such a refusal.
4. If payment is not made in accordance with the terms of the order within 45 days after an administrative penalty was due to be paid, disclose to a consumer reporting agency the name of the person who failed to pay the order, the amount that is payable under the order and the day on which the payment was due to be paid and if the Director takes such action, the Director shall notify the consumer reporting agency within 10 days of having received notice the administrative penalty has been paid.
5. If payment is not made in accordance with the terms of the order within 60 days after an administrative penalty was due to be paid, the Director may issue an order creating a lien against the property of the person.

### Same, lien

- (4) If the Director issues an order creating a lien under paragraph 5 of subsection (3), the following rules apply:
1. If the lien relates to personal property,
    - i. the *Personal Property Security Act*, except Part V, applies with necessary modifications to the lien despite clause 4 (1) (a) of that Act,
    - ii. the lien shall be deemed to be a security interest that has attached for the purposes of the *Personal Property Security Act*, and
    - iii. the Director may perfect the security interest for the purposes of the *Personal Property Security Act* by the registration of a financing statement under that Act.
  2. If the lien relates to real property,
    - i. the Director may register the lien against the real property of the person liable to pay in the proper land registry office and on registration, the obligation under the lien becomes a charge on the property,
    - ii. no proceedings against the lien shall be initiated, and
    - iii. the Director shall, within 10 days of learning of the payment of the debt owing under the administrative penalty, discharge the registration of any financing statement or register a discharge created on title.

### Proceeds

**77** The following rules apply with respect to the proceeds from the payment of an administrative penalty:

1. If the administrative penalty was imposed by a Director appointed by the Minister or by a delegated authority that is a Crown Agent, the proceeds shall be placed in,
  - i. a fund established for the designated product to which the penalty relates, or
  - ii. if no fund has been established, the Consolidated Revenue Fund.
2. If the administrative penalty was imposed by a Director appointed by a delegated authority that is not a Crown Agent, the proceeds shall be placed in,
  - i. a fund established for the designated product to which the penalty relates, or
  - ii. if no fund has been established, the account of the delegated authority.

### Transition

**78** (1) The Director shall not impose an administrative penalty in respect of any contravention or non-compliance that occurred before section 70 came into force.

### Deeming

(2) A contravention that started before and continued after section 70 came into force is deemed to have started on the day section 70 came into force for the purposes of determining the amount of an administrative penalty.

**PART X  
DELEGATED AUTHORITY**

DELEGATED AUTHORITY

**Delegated authority**

**79** (1) If the requirements of sections 80 and 81 are met, the Minister may, by regulation,

- (a) designate a corporation as the delegated authority for the purposes of this Act to administer the delegated provisions; and
- (b) subject to subsection (3), prescribe the delegated provisions of this Act and the regulations for which a delegated authority is to be delegated authority to administer.

**Restrictions**

(2) A delegation described in clause (1) (b) may be restricted to,

- (a) specified aspects or purposes of the specified provisions;
- (b) specified persons or classes of persons to whom the specified provisions apply;
- (c) specified programs or parts of programs;
- (d) specified parts of Ontario; and
- (e) specified time periods.

**Excepted provisions**

(3) The following provisions of this Act shall not be prescribed as delegated provisions:

- 1. The provisions in this Part.
- 2. Sections 116 and 117.
- 3. Where the delegated authority is a Crown Agency, the following provisions:
  - i. Section 118.
  - ii. The provisions of Part XIII.

**More than one delegated authority**

(4) Two or more corporations may be prescribed,

- (a) to administer different specified provisions of this Act; or
- (b) to administer the same specified provisions, but with respect to,
  - (i) different specified aspects or purposes,
  - (ii) different specified persons or classes of persons,
  - (iii) different specified programs or parts of programs,
  - (iv) different specified parts of Ontario, or
  - (v) different specified time periods.

**More than one designated product, fund**

(5) The same corporation may be prescribed as the delegated authority to administer specified provisions with respect to more than one designated product and more than one fund.

**Previous administration**

(6) Nothing in a delegation of provisions,

- (a) invalidates anything that was done under the delegated provisions before the day on which the regulation delegating the provisions comes into force, including, without limitation, regulations, appointments and registrations;
- (b) invalidates anything that was done under the *Farm Products Payments Act*, the *Grains Act* or the *Livestock and Livestock Products Act* or their respective regulations before the day on which the regulation delegating the provisions comes into force; or
- (c) affects inspections, investigations or proceedings begun under the delegated provisions before the day on which the regulation delegating the provisions comes into force.

**Persons bound**

(7) A delegated provision binds all persons whom it would bind if it had not been delegated.

**Eligibility as delegated authority**

**80** A corporation may be prescribed as the delegated authority if it is,

- (a) a Crown Agency; or
- (b) a not-for-profit corporation without share capital that is not a Crown Agency and that is incorporated under the laws of Ontario.

**Requirement for administrative agreement**

**81** (1) A corporation may be prescribed as a delegated authority only if the Minister and the corporation have entered into an administrative agreement with respect to the delegated provisions.

**Contents**

(2) The administrative agreement shall include all matters that the Minister considers necessary for delegating the administration of the delegated provisions to the delegated authority, including, at a minimum,

- (a) requirements relating to the governance of the delegated authority, unless the delegated authority is a Crown Agency;
- (b) requirements with which the delegated authority shall comply in connection with its administration of the delegated provisions, including a requirement for adequate insurance against liability arising out of that administration; and
- (c) the financial terms of the delegation, including payments to the Crown, licence fees, royalties and reimbursements for transfer of assets.

**Amendment by Minister**

(3) If the delegated authority is not a Crown Agency, the Minister may unilaterally amend the administrative agreement, after giving the delegated authority the notice that the Minister considers reasonable in the circumstances.

**Revocation of designation and restriction of delegation**

**82** (1) If the delegated authority is a Crown Agency, the Minister may, by regulation, revoke the designation of the delegated authority made under clause 79 (1) (a) or restrict the delegation made under clause 79 (1) (b), if the Minister considers it reasonable to do so.

**Notice**

(2) If the Minister intends to make a regulation under subsection (1), the Minister shall provide notice to the delegated authority before filing the regulations.

**Duty to administer delegated provisions**

**83** A delegated authority shall administer its delegated provisions in accordance with this Act and the administrative agreement and shall comply with this Act, the regulations, other applicable law and the administrative agreement.

**Duty to advise the Minister**

**84** (1) The delegated authority shall promptly inform and advise the Minister with respect to,

- (a) any material fact that could affect the delegated authority's ability to perform its duties under this Act or the regulations; or
- (b) any urgent or critical matter that is likely to require action by the Minister to ensure that the administration of the delegated provisions is carried out properly.

**Same**

(2) The delegated authority shall advise or report to the Minister on any matter that the Minister refers to it and that relates to this Act or the administration of the delegated provisions.

**Conflicts**

**85** In the event of conflict, this Act and the regulations shall prevail over,

- (a) the administrative agreement;
- (b) the delegated authority's constating documents, by-laws and resolutions; and
- (c) the *Not-for-Profit Corporations Act, 2010*, the *Corporations Information Act* or a regulation made under either of those Acts.

## **Liability and indemnification**

### **No Crown liability**

**86** (1) No cause of action arises against the Crown or a Crown employee as a direct or indirect result of any act or omission that a person who is not a Crown employee takes or makes in the execution or intended execution of any of the person's powers or duties under this Act, the regulations or a Minister's order.

### **No proceeding against the Crown**

(2) No action or other proceeding for damages, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against the Crown or a Crown employee in connection with any cause of action described in subsection (1).

### **Application**

(3) Without limiting the generality of subsection (2), that subsection applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief, and includes a proceeding to enforce a judgment, order or award made by a court, tribunal or arbitrator outside of Canada.

### **No personal liability, Crown employee**

(4) No action or other proceeding shall be instituted against a current or former Crown employee for an act done in good faith in the execution or intended execution of a duty under this Act or the regulations or for an alleged neglect or default in the execution in good faith of the duty.

### **Tort by Crown employee**

(5) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (4) of this section does not relieve the Crown of liability in respect of a tort committed by an employee of the Crown to which it would otherwise be subject.

### **Revocation**

(6) Subsections (1) to (5) apply, with necessary modifications, in respect of a direct or indirect result of the revocation of a designation under section 90 or of any regulation made under section 90.

### **Indemnification of the Crown**

(7) A delegated authority that is not a Crown Agency shall indemnify the Crown in accordance with the administrative agreement, in respect of damages and costs incurred by the Crown for any act or omission of the delegated authority or its members, officers, directors, employees or agents in the execution or intended execution of their powers and duties under this Act, the regulations, a Minister's order or the administrative agreement.

### **No personal liability, board members and others**

(8) No action or other proceeding shall be instituted against any of the following persons, or a person who was formerly one of the following persons, for an act done in good faith in the execution or intended execution of any of the person's powers or duties under this Act or the regulations or for an alleged neglect or default in the execution in good faith of that power or duty:

1. Members of the board of directors of the delegated authority.
2. Persons who perform functions under this Act or the regulations as employees or officers of the delegated authority.
3. The Director or any Deputy Directors.
4. Inspectors.

### **Liability of delegated authority**

(9) Subsection (8) does not relieve the delegated authority of liability to which it would otherwise be subject.

### **Consolidated revenue fund**

(10) Despite Part 1 of the *Financial Administration Act*, where the delegated authority is a Crown Agency the money the delegated authority collects or receives as well as any other assets or revenues it derives in carrying out its powers and duties under this Act do not form part of the Consolidated Revenue Fund.

### **Minister's policy directions**

**87** (1) The Minister may issue policy directions to the delegated authority relating to its administration of the delegated provisions, after giving the delegated authority the notice that the Minister considers reasonable in the circumstances.

### **Part of administrative agreement**

(2) The policy directions are deemed to form part of the administrative agreement.



**Compliance**

(3) The delegated authority shall comply with the policy directions and shall implement measures to do so as soon as is reasonably possible.

**Conflict**

(4) In the event of conflict, a policy direction issued under subsection (1) shall prevail over a constating document, by-law or resolution of the delegated authority.

## APPLICATION OF SS. 89 TO 105

**Application**

**88** Sections 89 to 105 apply where the delegated authority is not a Crown Agency.

## DELEGATION

**Minister's authority to require reviews**

**89** (1) The Minister may, by order,

- (a) require that policy, legislative or regulatory reviews related to the delegated provisions, the powers and duties of the delegated authority and the administrative agreement be carried out,
  - (i) by or on behalf of the delegated authority, or
  - (ii) by a person or entity specified by the Minister; or
- (b) require that reviews of the delegated authority, of its operations, or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out,
  - (i) by or on behalf of the delegated authority, or
  - (ii) by a person specified by the Minister.

**Access to records and information**

(2) When a review is carried out under subclause (1) (a) (ii) or (1) (b) (ii), the delegated authority shall give the person specified by the Minister and the person's employees or agents access to all records and other information required to conduct the review.

**Revocation of designation and restriction of delegation****Public interest**

**90** (1) The Minister may, by regulation, revoke the designation of the delegated authority made under clause 79 (1) (a) or restrict the delegation made under clause 79 (1) (b) if the Minister considers it advisable to do so in the public interest.

**Non-compliance**

(2) The Minister may, by regulation, revoke the designation of the delegated authority made under clause 79 (1) (a) or restrict the delegation made under clause 79 (1) (b) if,

- (a) the delegated authority has failed to comply with this Act, the regulations, other applicable law or the administrative agreement;
- (b) the Minister has given the delegated authority an opportunity to remedy the default within the period that the Minister considered reasonable under the circumstances; and
- (c) the delegated authority has failed to remedy the default to the Minister's satisfaction within that period.

**No restriction on subs. (1)**

(3) Nothing in subsection (2) restricts the ability of the Minister to act under subsection (1).

**On request**

(4) The Minister may, by regulation, revoke the designation of the delegated authority or restrict the scope of the delegation on terms that the Minister considers advisable in the public interest if the delegated authority requests the revocation or restriction.

**Statutory Powers Procedure Act**

(5) The *Statutory Powers Procedure Act* does not apply to the exercise by the Minister of a right under this section to revoke the designation of a delegated authority.

**Transition**

(6) If the Minister revokes the designation of the delegated authority or restricts the scope of the delegation under this section, the Minister may, by regulation, provide for any transitional matter necessary for the effective implementation of the revocation or restriction including,

- (a) the transfer, without compensation, of any property, including assets, liabilities, rights, obligations, records, databases, accounts and money, that the delegated authority holds in respect of carrying out its activities; and
- (b) the assignment, without compensation, of any contracts that the delegated authority has entered into before the revocation.

## POWERS AND DUTIES

**Duty to comply with orders, directions**

**91** (1) If the Minister issues a directive, order or policy direction, the delegated authority shall comply with such directive, order or direction.

**Additional activities**

(2) The delegated authority may carry out other activities in accordance with its objects or purposes, subject to subsection (3).

**Commercial activity**

(3) The delegated authority shall not engage in commercial activity through an individual, corporation or other entity that is related to the delegated authority unless approved by the Minister, and the Minister may impose any conditions the Minister considers appropriate in such circumstances.

**Restriction on use of money**

(4) Despite any order or policy direction issued by the Minister, the delegated authority shall use any money obtained in the administration of the delegated provisions only for the purpose of administering the delegated provisions.

**Provision of services in French**

**92** (1) A person has the right to communicate in French with and to receive available services in French from the delegated authority.

**Board to ensure**

(2) The board of directors of the delegated authority shall take all reasonable measures and make all reasonable plans to ensure that persons may exercise the right to communicate in French and receive services in French given by this section.

**Limitation**

(3) The right to communicate in French and receive services in French given by this section is subject to the limits that are reasonable in the circumstances.

**Definition**

(4) In this section,

“service” means any service or procedure that is provided to the public by the delegated authority in administration of the delegated provisions and includes responding to inquiries from members of the public and any other communications for the purpose of providing the service or procedure.

***Accessibility for Ontarians with Disabilities Act, 2005***

**93** The *Accessibility for Ontarians with Disabilities Act, 2005* applies to a delegated authority as though it were an organization providing services for the purposes of that Act.

**Forms and fees**

**94** (1) A delegated authority may,

- (a) establish forms related to the administration of its delegated provisions and provide for their content;
- (b) set and collect fees, costs or other charges related to the administration of the delegated provisions, in accordance with processes and criteria established by the delegated authority and approved by the Minister; and
- (c) make rules governing the payment of the fees, costs and charges described in clause (b).

**Setting fees**

(2) In setting the fees, costs and charges described in clause (1) (b), the delegated authority may, subject to the approval of the Minister, specify the amounts or the method for determining the amounts.

**Publication of fee schedule**

- (3) The delegated authority,
- (a) shall publish the fees, costs and charges, the processes and criteria and the rules on its website and in any other way described in the administrative agreement; and
  - (b) may publish them in any other format the delegated authority considers advisable.

**Requirement of advisory council, advisory process**

**95** The Minister may require the delegated authority to,

- (a) establish one or more advisory councils;
- (b) include as members of an advisory council representatives of the public, producers, dealers, agricultural commodity groups, government organizations and other persons the Ministers considers appropriate; and
- (c) undertake an advisory process in which it ensures that the advisory council seeks advice from one or both of the public and persons with experience or knowledge relating to this Act and the delegated provisions.

**Public access to information**

**96** (1) The delegated authority shall, within the prescribed time, make available to the public on its website,

- (a) the prescribed information relating to the compensation of board members, officers and employees and relating to any other payments that it makes or is required to make to them;
- (b) its corporate by-laws; and
- (c) any other information that is prescribed.

**Same, transition**

(2) For a board member or officer who is in office on the day this section comes into force, or an individual who is an employee on the day this section comes into force, the regulation may require the disclosure of information relating to compensation for a period that began before the day on which this section comes into force.

**Process and procedures**

(3) The delegated authority shall follow the prescribed processes and procedures with respect to providing access to the public to records of the authority and with respect to managing personal information contained in those records.

**Effect of disclosure**

(4) The disclosure of information relating to compensation in accordance with this section, or in the reasonable belief that the disclosure is required by this section, shall not be deemed by any court or person,

- (a) to contravene any Act or regulation enacted or made before or after the coming into force of this section; or
- (b) to be in breach of or contrary to any agreement that purports to restrict or prohibit that disclosure, regardless of whether the agreement is made before or after the coming into force of this section.

## CORPORATE MATTERS

**Minister's authority regarding change to objects or purposes**

**97** (1) The Minister may require that the delegated authority make a specified change to its objects or purposes if the Minister is of the opinion that it is reasonable to do so.

**Same**

(2) No change shall be made to a delegated authority's objects or purposes unless the Minister's written approval is obtained in advance.

**Minister's authority re board of directors, eligibility and nomination**

**98** (1) The Minister may,

- (a) by order, establish competency criteria for members of the board of directors of the delegated authority; and
- (b) by regulation, with respect to the board of directors of the delegated authority, establish rules about the nomination of members, the appointment or election process, the length of their terms and whether they may be reappointed or re-elected.

**Eligibility for appointment, etc.**

(2) A person is qualified to be appointed or elected as a member of the board of directors of the delegated authority only if the person meets the competency criteria established under clause (1) (a).

**Appointment by Minister**

(3) The Minister may appoint one or more members of the board of directors of the delegated authority for a term specified in the appointment, but the Minister cannot appoint sufficient members to form a majority of the board of directors of the delegated authority.

**Representatives**

(4) The members appointed by the Minister to the board of directors of the delegated authority may include representatives of the public, of sellers or purchasers of agricultural products, of storage operators, of agricultural organizations, of government organizations and of such other interests as the Minister considers to be appropriate.

**Change in numbers of directors**

(5) The Minister may, by regulation, increase or decrease the number of members of the board of directors of the delegated authority.

**Composition of the board**

(6) The Minister may, by regulation, provide that no more than a fixed percentage of members of the board of directors of the delegated authority shall be drawn from among the prescribed persons or classes of persons.

**Appointment of chair of the board**

(7) The Minister may appoint a chair of the board of directors of the delegated authority from among the members of the board of directors of the delegated authority.

**Vice-chair**

(8) The vice-chair, appointed by the members of the board directors, may act in place of the chair of the board of directors of the delegated authority if the chair is unable to act.

**Power re employees**

**99** (1) The delegated authority may, subject to the administrative agreement, employ or retain the services of any qualified person to carry out any of its powers or duties relating to the administration of the delegated provisions.

**Not Crown employees**

(2) The following persons are not employees of the Crown and shall not hold themselves out as such:

1. Persons who are employed or whose services are retained under subsection (1).
2. Members, officers and agents of the delegated authority.
3. Members of the board of directors of the delegated authority, including those appointed by the Minister.

**Not Crown agency**

**100** (1) Despite the *Crown Agency Act*, the delegated authority is not an agent of the Crown for any purpose and shall not hold itself out as such.

**Same**

(2) The following persons are not agents of the Crown and shall not hold themselves out as such:

1. Persons who are employed or whose services are retained under subsection 99 (1).
2. Members, officers and agents of the delegated authority.
3. Members of the board of directors of the delegated authority, including those appointed by the Minister.

**Not public money**

**101** (1) The delegated authority is not a public entity and the money that it collects in carrying out the administration of its delegated provisions is not public money within the meaning of the *Financial Administration Act*.

**Same**

(2) The delegated authority may use the money described in subsection (1) to carry out activities in accordance with its objects, subject to,

- (a) subsection 42 (1) (payments into funds); and
- (b) the administrative agreement.

**Audit by Auditor General**

**102** (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of the delegated authority, other than an audit required under the *Not-for-Profit Corporations Act, 2010*.

### **Access to records and information**

(2) When the Auditor General conducts an audit under subsection (1), the delegated authority shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit.

### **Report**

**103** (1) Each year and at any other time the Minister requires, the board of directors of the delegated authority shall report to the Minister on its activities and financial affairs as they relate to the Act and the administrative agreement.

### **Form and contents**

(2) The report shall be in a form that is acceptable to the Minister and shall provide the information that the Minister requires.

### **Disclosure by board**

(3) The board of directors of the delegated authority shall publish the report on the delegated authority's website and by any other method within the period and in the manner the Minister requires.

### **Minister's authority to appoint administrator**

**104** (1) The Minister may, by order, appoint an individual as an administrator of a delegated authority for the purposes of assuming control of it and responsibility for its activities under the delegated provisions if the Minister is of the opinion that it is advisable to do so in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to the interests of producers or owners of a designated product or a fund the delegated authority is responsible for administering.
2. An event of force majeure has occurred.
3. The delegated authority is facing a risk of insolvency.
4. The number of members of the board of directors of the delegated authority is insufficient for a quorum.

### **Notice of appointment**

(2) The Minister shall give the board of directors of the delegated authority the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

### **Immediate appointment**

(3) Subsection (2) does not apply if there are not enough members on the board of directors of the delegated authority to form a quorum.

### **Term of appointment**

(4) The appointment of the administrator is valid until the Minister makes an order terminating it or revokes the order made under subsection (1).

### **Powers and duties of administrator**

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the directors, officers and members of the board of the delegated authority.

### **Same**

(6) For greater certainty, the administrator's powers under subsection (5) include the authority to,

- (a) adjudicate any claims made to any fund the delegated authority was responsible for; or
- (b) appoint one or more persons to adjudicate such claims.

### **Same**

(7) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and conditions governing them.

### **Adjudication of claims**

(8) If the administrator adjudicates a claim made to any fund or appoints one or more persons to do so, subsections 48 (2) and 49 (1) apply with necessary modifications.

### **Right of access**

(9) The administrator has the same rights as the board in respect of the delegated authority's documents, records and information.

### **Report to Minister**

(10) The administrator shall report to the Minister as the Minister requires.

**Minister's directions**

(11) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out as soon as reasonably possible.

**No personal liability**

(12) No action or other proceeding shall be instituted against the administrator for an act done in good faith in the execution or intended execution of a duty or power under this Act, the regulations, the delegated provisions, a Minister's order or the appointment under subsection (1), or for an alleged neglect or default in the execution in good faith of that duty or power.

**Crown liability**

(13) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (12) does not relieve the Crown of liability to which it would otherwise be subject.

**Liability of delegated authority**

(14) Subsection (12) does not relieve the delegated authority of liability to which it would otherwise be subject.

**Status of board during administrator's tenure**

**105** (1) On the appointment of an administrator under section 104, the members of the board of directors of the delegated authority cease to hold office, unless the order provides otherwise.

**Same**

(2) During the term of the administrator's appointment, the powers of any member of the board of directors of the delegated authority who continues to hold office are suspended, unless the order provides otherwise.

**No personal liability**

(3) No action or other proceeding shall be instituted against a member or former member of the board of directors of the delegated authority for anything done by the administrator or the delegated authority after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

**Crown liability**

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

**Liability of delegated authority**

(5) Subsection (3) does not relieve the delegated authority of liability to which it would otherwise be subject.

## PART XI PROHIBITIONS AND OFFENCES

**Prohibition re false or misleading information**

**106** No person shall give false or misleading information to the Director, a Deputy Director, an inspector or any other person in the performance of their duties under this Act.

**Prohibition re obstruction**

**107** No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with,

- (a) the Director or Deputy Director in fulfilling the duties of the Director or Deputy Director under this Act; or
- (b) an inspector conducting an inspection.

**Type A offences**

**108** (1) Every person who contravenes or fails to comply with any of the following provisions is guilty of a Type A offence:

1. Subsection 5 (1).
2. Section 7.
3. Subsection 10 (1).
4. Section 12.
5. Subsections 41 (1), (2) and (3).
6. Section 106.
7. Section 107.
8. Any other provision of this Act or the regulations prescribed as a Type A offence.

**Same re conditions of licence**

(2) Every person who fails to comply with a condition of their licence is guilty of a Type A offence.

**Same re orders**

(3) Every person who fails to comply with an order made under section 67, 68 or 69 is guilty of a Type A offence.

**Same re seals**

(4) Every person who breaks or removes any seal that is placed on a storage container within a storage facility pursuant to paragraph 1 of subsection 68 (1) is guilty of a Type A offence.

**Type B offences**

**109** Every dealer, or if the dealer is a corporation, every director, officer, employee or agent of the corporation or other person who has effective control of the corporation, who contravenes or fails to comply with any of the following provisions is guilty of a Type B offence:

1. Subsections 22 (2), (3), (5), (6) and (7).
2. Subsections 23 (3), (4) and (5).
3. Any other provision of this Act or the regulations prescribed as a Type B offence.

**Type C offences**

**110** Every person who contravenes or fails to comply with any of the following provisions is guilty of a Type C offence:

1. Subsections 5 (2) and (3).
2. Section 6.
3. Section 9.
4. Subsections 10 (2) and (3).
5. Section 11.
6. Subsections 15 (1) and (3).
7. Subsections 16 (1) to (4) and, unless the Director has issued a shortfall permit, subsection (5).
8. Subsection 17 (2) and clause 17 (3) (b).
9. Section 18.
10. Subsection 19 (1).
11. Section 114.
12. Any other provision of this Act or the regulations prescribed as a Type C offence.

**Penalties****Type A offences**

**111** (1) A person who is convicted of a Type A offence under this Act is liable to a fine of,

- (a) for a first offence, not more than \$10,000; and
- (b) for any subsequent offence, not more than \$25,000.

**Type B offences**

(2) A person who is convicted of a Type B offence under this Act is liable to a fine of,

- (a) for a first offence, not more than \$25,000; and
- (b) for any subsequent offence, not more than \$50,000.

**Type C offences**

(3) A person who is convicted of a Type C offence under this Act is liable to a fine of,

- (a) for a first offence, not more than \$2,000; and
- (b) for any subsequent offence, not more than \$5,000.

**Increased penalties**

(4) If a person is convicted of an offence and the court finds that the offence was committed in prescribed circumstances that resulted in an increase to the gravity of the offence, the amount of the penalty may be increased in accordance with the regulations.

**Decision not to increase**

(5) If a court determines that the amount of a penalty should not be increased despite the existence of prescribed circumstances mentioned in subsection (4), the court shall include the reasons for this determination in its decision.

**Restitution order**

**112** (1) If a person is convicted of an offence for contravening or failing to comply with section 7, 12 or 41 and the offence resulted in another person suffering damages, the court may make a restitution order against the person convicted of the offence in favour of the person who suffered damages.

**Board deemed to be person**

(2) Where a board or a delegated authority has not received a fee it is entitled to receive under section 41, or has paid a claim in relation to a Part VII designated product or incurred expenses to adjudicate a claim in relation to a Part VII designated product, the board or delegated authority, as the case may be, is deemed to be a person who has suffered damages for the purposes of subsection (1).

**Limits on restitution order**

- (3) A court may make a restitution order under subsection (1) only if,
- (a) the restitution order is requested by the prosecutor;
  - (b) the person who suffered damages consents to the order being made; and
  - (c) the damages that are the object of the restitution order are readily ascertainable.

**More than one person convicted**

(4) If more than one person is convicted of an offence for contravening or failing to comply with section 7, 12 or 41, all such persons shall be jointly and severally liable for any damages payable under a restitution order.

**Civil action**

(5) A restitution order made under subsection (1) extinguishes the right of the person who suffered the damages to bring a civil action for damages against the person convicted of the offence based on the same facts that led to the conviction for the offence unless,

- (a) the amount of damages ordered by the court in the restitution order is less than the value of the damage actually suffered; and
- (b) at the time the restitution order was made, the court could not have reasonably known the extent of the damages.

**Same**

(6) The failure of a prosecutor to request a restitution order under subsection (1) or a refusal by a court to make the order does not affect a right to bring a civil action for damages arising out of the same facts.

**Same**

(7) If a civil action for damages is brought against a person based on the same facts that resulted in the person being found guilty for contravening or failing to comply with section 7, 12 or 41, the conviction under this Act shall be sufficient proof of the liability of the person and the only issue to be determined in the civil action shall be the quantum of damages.

**No double recovery**

(8) Where a board or delegated authority has paid a claim in relation to a Part VII designated product or incurred expenses to adjudicate a claim in relation to a Part VII designated product,

- (a) a restitution order made under subsection (1) shall not include any amount the Board or delegated authority paid in relation to the Part VII designated product or already recovered; and
- (b) as soon as practicable after a restitution order is made under subsection (1), the chair of the board or the chair of the board of directors of the delegated authority, as the case may be, shall rescind any orders made under section 52.

**Enforcement of restitution order**

**113** A restitution order made under section 112 may be filed in a court of competent jurisdiction and the order may be enforced as if it were an order of the court.



**PART XII  
MISCELLANEOUS AND REGULATIONS**

MISCELLANEOUS

**Confidentiality**

**114** Any person working for a delegated authority who obtains information in the course of exercising a power or carrying out a duty related to the administration of the delegated provisions shall keep that information confidential except,

- (a) as required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;
- (b) if the Minister requests the person provide such information to the Minister;
- (c) as authorized by the *Regulatory Modernization Act, 2007*;
- (d) if required by law to provide the information to a law enforcement agency;
- (e) where the person is providing the information to their legal counsel;
- (f) with the consent of the person or entity to whom the information relates;
- (g) to provide the information to a prescribed entity or organization that is authorized by law to collect and use the information; or
- (h) in any other prescribed situation or for any other prescribed purposes.

**Testimony**

**115** No person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations.

**Service**

**116** (1) Any notice, order or document is sufficiently given or served if it is given or served in accordance with the regulations.

**Deemed service**

(2) If service is made within the prescribed time and in the prescribed manner, the service shall be deemed to be made in accordance with the regulations, unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice, order or document until a later date.

**Matters of evidence**

**117** (1) For the purposes of any proceeding, a certificate of service that appears to have been signed by the Minister, the Director or an inspector is evidence of service without proof of the signature if the Minister, Director or inspector, as the case may be,

- (a) certifies that the copy of the document is a true copy of it;
- (b) certifies that the document was served on the person; and
- (c) sets out in it the method of service used.

**Same**

(2) A licence, order or record made or issued under or in accordance with this Act that purports to be signed by the Minister, the Director or an inspector is evidence of the facts contained in it without proof of the signature.

**Same**

(3) A copy of a document or record that purports to be certified by the Director or a person designated by the Director as a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

REGULATIONS

**General**

**118** (1) The Minister may make regulations for the purposes of this Act,

- (a) prescribing anything that is referred to in this Act as prescribed;
- (b) defining any word or expression used in this Act that is not already defined in this Act;
- (c) exempting any person or class or person from all or any part of this Act or the regulations and setting out conditions for the exemption;

- (d) governing the taking of samples of any designated product, including prescribing which designated products may be sampled and governing of the operation of sampling;
- (e) prescribing forms and providing for their use;
- (f) prescribing fees that are payable under this Act with respect to licencing, late filings and other administrative matters;
- (g) governing agreements and contracts under this Act, including prescribing the requirements the agreements and contracts must meet and terms and conditions they must include;
- (h) governing orders and notices under this Act including prescribing information to be included in any orders or notices under this Act;
- (i) governing the service of any notice, order or other document, including deeming service to have been effected on a date determined in accordance with the regulations, and authorizing service outside Ontario;
- (j) respecting any matter that is necessary or advisable to implement this Act effectively.

**Regulations: Part II (Designation of Agricultural Products)**

- (2) The Minister may make regulations designating agricultural products for the purposes of subsection 2 (1).

**Regulations: Part IV (Dealers)**

- (3) The Minister may make regulations for the purposes of Part IV,
- (a) governing the timing, manner and conditions under which a dealer is required to make payments for designated products purchased from producers;
  - (b) providing that a dealer and producer may enter into an agreement to purchase or sell a designated product for the purposes of subsection 7 (3), setting out preconditions under which such agreements may be entered into and governing such agreements;
  - (c) requiring producers or dealers to be members of non-governmental organizations for the purposes of section 8;
  - (d) prescribing the books and records to be kept by dealers and the manner in which they shall be maintained for the purposes of subsection 9 (1).

**Regulations: Part V (Storage Operators)**

- (4) The Minister may make regulations for the purposes of Part V,
- (a) governing the standards for the establishment and operation of premises, facilities and equipment used for the storage of Part V designated products;
  - (b) prescribing the qualifications a storage operator must hold, the manner in which the designated product must be stored and the circumstances and conditions in which the storage takes place for the purposes of subsection 10 (2);
  - (c) requiring producers, owners or storage operators to be members of non-governmental organizations for the purposes of section 13;
  - (d) prescribing the requirements and conditions for the storage of a designated product for the purposes of subsection 15 (4);
  - (e) prescribing the information to be included in a receipt and governing the requirements of such receipts for the purposes of subsection 16 (2);
  - (f) governing the records of the quantity of designated product that a storage operator must keep for the purposes of subsection 16 (3);
  - (g) prescribing the terms and conditions that must be met for the Director to issue a shortfall permit for the purposes of subsection 16 (6);
  - (h) governing property in and title to a designated product for the purposes of clause 17 (4) (b);
  - (i) prescribing loss, damage and perils for the purposes of subsection 18 (1);
  - (j) prescribing the information that a storage operator is required to submit for the purposes of subsection 18 (5) and the manner and timing of the submissions.

**Regulations: Part VI (Trusts)**

- (5) The Minister may make regulations for the purposes of Part VI,
- (a) prescribing amounts of monies that are required to be deposited into a trust for the purposes of subsection 22 (1);

- (b) providing that a dealer may appropriate or convert part of a trust fund to the dealer's own use, or to any use inconsistent with the trust, before the producers are paid all amounts owed to them and prescribing the circumstances in which the dealer may do so for the purposes of subsection 22 (2);
- (c) governing records of transactions for the purposes of subsection 22 (6), including prescribing information to be included in such records;
- (d) governing payments out of a trust fund for the purposes of subsection 23 (2);
- (e) governing disputes and prescribing matters that can be the subject of a dispute for the purposes of subsection 23 (4).

**Regulations: Part VII (Funds and Boards)**

- (6) The Minister may make regulations for the purposes of Part VII,
  - (a) governing the establishment of funds and prescribing persons who are entitled to make claims against such funds;
  - (b) governing the compensation of producers and owners for the purposes subsection 26 (4);
  - (c) establishing boards and designating delegated authorities for the purposes of subsection 27 (1);
  - (d) prescribing the agricultural industry groups that are required to be represented on a board;
  - (e) prescribing functions and powers of a board for the purposes of paragraph 5 of section 29;
  - (f) governing the by-laws of the board of directors of a board for the purposes of subsection 30 (4);
  - (g) providing the powers the board of directors of a board cannot delegate, for the purposes of clause 30 (6) (e);
  - (h) governing the dissolution of boards, including transitional matters relating to the dissolution of boards, for the purposes of section 38;
  - (i) governing fees for the purposes of section 41;
  - (j) governing the collection and remittance of fees for the purposes of subsection 41 (4);
  - (k) prescribing the conditions and requirements under which a board may borrow money from another fund that it administers for the purposes of clause 43 (1) (c);
  - (l) governing the submissions of claims to a board for the purposes of section 47;
  - (m) governing the payment of valid claims for the purposes of subsection 50 (1) including prescribing the grounds upon which a board or panel of a board may pay a claim that is determined to be valid;
  - (n) governing the refusal of claims for the purposes of subsection 50 (3), including prescribing the circumstances in which a board or panel of a board is required to or may refuse a claim;
  - (o) governing the determination of amounts to be paid out of a fund for the purposes of subsection 50 (4).

**Regulations: Part VIII (Licences)**

- (7) The Minister may make regulations for the purposes of Part VIII,
  - (a) governing applications for dealer's licences and storage operator's licences and the terms of such licences;
  - (b) governing the requirements that applicants must meet in order to obtain or renew a licence, including requirements related to financial security of the applicant and security that an applicant is required to provide;
  - (c) governing the administration, forfeiture and disposition of any security that is provided by an applicant;
  - (d) governing the grounds the Director shall consider in determining whether to refuse to issue or renew a licence;
  - (e) governing the submission of applications to renew a licence for the purposes of subsection 57 (2) and prescribing information to be included in an application;
  - (f) prescribing the deadline to submit an application to renew a licence for the purposes of subsection 57 (3);
  - (g) governing conditions to be imposed on individual licences or on all licences, prescribing the circumstances in which those conditions are to be imposed and governing appeals of conditions imposed on all licences;
  - (h) prescribing conditions for issuing an interim order to suspend a licence for the purposes of clause 59 (1) (b);
  - (i) requiring the Director to establish a publicly available licence registry for the purposes of section 64 and prescribing the manner of establishing the registry, the form and location of the registry and the information to be included in the registry.

**Regulations: Part IX (Inspections and Enforcement)**

- (8) The Minister may make regulations for the purposes of Part IX,
  - (a) governing the designation of inspectors;

- (b) providing additional powers of an inspector;
- (c) governing the circumstances in which an inspector is permitted to issue compliance orders under section 67;
- (d) prescribing actions the Director may take for the purpose of paragraph 7 of subsection 68 (1);
- (e) designating products with respect to which a freeze order may be made for the purposes of subsection 69 (1);
- (f) designating products with respect to which an administrative penalty can be imposed for the purposes of section 70;
- (g) prescribing an appeal body for the purposes of the definition of “appeal body” in subsection 70 (2);
- (h) governing the process by which a Director may impose an administrative penalty for the purposes of subsection 71 (3).

**Regulations: Part X (Delegated Authority)**

- (9) The Minister may make regulations for the purposes of Part X,
  - (a) governing the revocation of the designation of a delegated authority and governing any transitional matters that may arise from revoking the designation of a delegated authority or restricting the scope of the delegation;
  - (b) establishing and governing rules about the nomination of members, the appointment or election process, the length of their terms and whether they may be reappointed or re-elected for the purposes of clause 98 (1) (b);
  - (c) increasing or decreasing the number of members of the board of directors of the delegated authority for the purposes of subsection 98 (5);
  - (d) prescribing persons or classes of persons for the purposes of subsection 98 (6) and providing a maximum fixed percentage of members of the board of directors of the delegated authority that shall be drawn from such persons or classes of persons.

**Regulations: Part XI (Prohibitions and Offences)**

- (10) The Minister may make regulations for the purposes of Part XI,
  - (a) prescribing Type A offences for the purposes of subsection 108 (1);
  - (b) prescribing Type B offences for the purposes of section 109;
  - (c) prescribing Type C offences for the purposes of section 110;
  - (d) governing the increase of penalties for the purposes of subsection 111 (4).

**Regulations: grading**

- (11) The Minister may make regulations,
  - (a) establishing and describing standards for the purpose of grading any agricultural products;
  - (b) providing for the issue of grading certificates and prescribing the form of such certificates;
  - (c) prescribing the manner in which samples of any agricultural product may be taken for inspection;
  - (d) providing for and prescribing the manner and conditions of grading, inspection, packing, branding and marking of any agricultural product;
  - (e) prescribing the manner in and the conditions under which any agricultural product shall be stored, transported, delivered, shipped, advertised, purchased, sold, offered or displayed for sale and the types, sizes, branding, marking and labelling of packages or containers in which any agricultural product shall be contained;
  - (f) prescribing the manner in which the seller or shipper of ungraded agricultural products shall identify, for purposes of grading, individual producer’s lots in any shipment;
  - (g) prescribing the manner in which a receiver shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of any agricultural product and for the investigation of such statements and the transactions represented in the statements;
  - (h) prescribing the manner in which receipts, classifications, weights and purchase prices shall be recorded at assembling points and abattoirs and made available to the Minister.

**Rolling incorporation**

- (12) A regulation made under this section that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made if,
  - (a) the regulation, by reference to the document, establishes any grade name, standard or grade; and
  - (b) the document is incorporated by reference in a regulation made under an Act of Canada that also provides that the reference to the document includes amendments made to the document from time to time after the regulation is made.

**PART XIII  
TRANSITION**

**Transition, regulation**

**119** (1) The Minister may make regulations providing for transitional matters as the Minister considers necessary or advisable to,

- (a) facilitate the implementation of this Act; and
- (b) address any transitional matters arising as the result of the repeal of the *Farm Products Payments Act*, the *Grains Act* and the *Livestock and Livestock Products Act*.

**Same**

(2) A regulation made under this section may,

- (a) establish a transition period before the repeal of the *Farm Products Payments Act*, the *Grains Act* and the *Livestock and Livestock Products Act* during which the application of those Acts will be phased out;
- (b) provide that a provision or requirement of the *Farm Products Payments Act*, the *Grains Act* or the *Livestock and Livestock Products Act* ceases to apply, applies in a modified way or only applies, either as written or in a modified way, to specified geographic areas or specified persons or for a specified period during the transition period;
- (c) govern the continuation or conclusion of hearings commenced under the *Farm Products Payments Act*, the *Grains Act* and the *Livestock and Livestock Products Act* before their repeal;
- (d) govern other transitional matters that may arise due to the anticipated repeal of the *Farm Products Payments Act*, the *Grains Act* and the *Livestock and Livestock Products Act*.

**Conflicts**

(3) If there is a conflict between a regulation made under this section and a provision of this Act or a regulation made under this Act, the regulation made under this section prevails.

**PART XIV  
REPEALS, COMMENCEMENT AND SHORT TITLE**

*Farm Products Payments Act*

**120** The *Farm Products Payments Act* is repealed.

*Grains Act*

**121** The *Grains Act* is repealed.

*Livestock and Livestock Products Act*

**122** The *Livestock and Livestock Products Act* is repealed.

**Commencement**

**123** The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**Short title**

**124** The short title of the Act set out in this Schedule is the *Protecting Farmers from Non-Payment Act (Regulating Agricultural Product Dealers and Storage Operators), 2023*.

**SCHEDULE 31  
ROYAL ONTARIO MUSEUM ACT**

**1 (1) Subsection 4 (2) of the *Royal Ontario Museum Act* is amended by striking out “The Governing Council of the University of Toronto, the President of the University of Toronto and the Director of the Museum” and substituting “The Governing Council of the University of Toronto and the President of the University of Toronto”.**

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

**Appointment and election**

- (3) The remaining nineteen trustees shall consist of,
- (a) fifteen appointed by the Lieutenant Governor in Council; and
  - (b) four elected by the members of the Museum.

**Term**

- (3.1) The trustees appointed under clause (3) (a) shall each hold office at pleasure for a term of up to three years.

**Same**

- (3.2) The trustees appointed under clause (3) (b) shall each hold office for a term of three years.

**(3) Subsection 4 (6) of the Act is amended by striking out “one additional term, but on the expiration of his or her second term he or she is not eligible for re-election or reappointment until at least one year has elapsed from the expiration of such term” and substituting “additional terms”.**

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

**Immunity of trustees**

**17 (1) No cause of action arises against a trustee of the Museum as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.**

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a trustee of the Museum by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Museum preserved**

(3) Subsections (1) and (2) do not relieve the Museum of any liability to which it would otherwise be subject.

**Commencement**

**3 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 32  
SCIENCE NORTH ACT**

**1** Subsection 4 (1) of the *Science North Act* is amended by striking out “at least fifteen trustees appointed by the Lieutenant Governor in Council for a term of three years” and substituting “up to 15 trustees appointed by the Lieutenant Governor in Council, each to hold office at pleasure for a term of up to three years”.

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

**Immunity of trustees**

**15** (1) No cause of action arises against a trustee of the Centre as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a trustee of the Centre by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Centre preserved**

(3) Subsections (1) and (2) do not relieve the Centre of any liability to which it would otherwise be subject.

**Commencement**

**3** This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.

**SCHEDULE 33**  
**SERVICES AND SUPPORTS TO PROMOTE THE SOCIAL INCLUSION**  
**OF PERSONS WITH DEVELOPMENTAL DISABILITIES ACT, 2008**

**1 (1) Subsection 7 (3) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* is repealed.**

**(2) Section 7 of the Act is amended by adding the following subsection:**

**Funding entities**

(3) A Director may issue policy directives to funding entities with respect to the following matters:

1. Procedures to be followed in performing the following functions:
  - i. Determining the method of allocating Ministry resources among persons with developmental disabilities.
  - ii. Determining the method of prioritizing persons for whom a funding entity has developed a service and support profile under section 18.
2. Performance standards and performance measures with respect to the performance of duties of the entities under this Act.
3. Such other matters as may be prescribed.

**2 (1) Subsections 8 (3) and (4) of the Act are repealed.**

**(2) Section 8 of the Act is amended by adding the following subsections:**

**Funding entity**

(3) The Minister may designate, as a funding entity for the purposes of this Act, a corporation or another entity that may be prescribed but shall not designate a service agency as a funding entity.

**Powers and duties**

(4) Every funding entity shall perform the duties and may exercise the powers that this Act or the regulations specify for funding entities.

**(3) Subsections 8 (7) and (8) of the Act are repealed.**

**(4) Section 8 of the Act is amended by adding the following subsections:**

**Funding entities**

(7) Every funding entity shall perform its duties and may exercise its powers with respect to persons with developmental disabilities residing in the geographic area described in the entity's designation.

**Multiple entities in area**

(8) If the Minister designates more than one funding entity for the same geographic area, the funding entities designated for the area shall work together to comply with subsection (7).

**3 (1) Section 11 of the Act is repealed.**

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

**Direct funding agreements**

**11 (1)** An application entity may enter into a direct funding agreement under this section only if,

- (a) an application for direct funding has been made under section 13;
- (b) the funds to be provided under the agreement are requested solely for the purpose of purchasing services and supports for the benefit of a person with a developmental disability that are part of a prescribed class of services and supports;
- (c) the person with a developmental disability for whose benefit the services and supports would be purchased has been determined under section 14 to be eligible for services and supports and funding under this Act; and
- (d) the person who is to receive the funds under the agreement meets such requirements as may be prescribed.

**Parties to agreement**

(2) An application entity may enter into a direct funding agreement with a person with a developmental disability or with another person acting on behalf of a person with a developmental disability.

**Direct funding agreement**

(3) In a direct funding agreement,



- (a) the application entity shall undertake to provide funds to the other party to the agreement or to a person described in subsection (4) for the purpose of purchasing specified services and supports for the benefit of the person with a developmental disability; and
- (b) the other party to the agreement shall agree to use the funds solely for the purpose of purchasing the services and supports of the prescribed class that are specified in the agreement for the benefit of the person with a developmental disability.

#### **Service co-ordinator**

(4) In a direct funding agreement, the application entity and the other party to the agreement may agree that the funds provided under the agreement be paid to a third party who shall use the funds solely for the purpose of purchasing services and supports for the benefit of the person with a developmental disability and in accordance with such further terms and conditions as may be specified in the agreement.

#### **Contents of agreement**

(5) A direct funding agreement shall set out the requirements of subsections (6), (7) and (8) and such other terms and conditions of the funding as may be required by regulation or specified in the agreement.

#### **Receipts and reports**

(6) A person who enters into a direct funding agreement with an application entity shall provide the application entity with such receipts and reports with respect to the use of the funds as may be required under the agreement.

#### **Same**

(7) Despite subsection (6), the receipts and reports may be provided to the application entity by a person described in subsection (4) who received funds under a direct funding agreement if the agreement so provides.

#### **Application entity**

(8) The application entity shall provide funds for the person with a developmental disability at such times and in such manner as are specified in the direct funding agreement and shall monitor the expenditures of the funds by the person who receives them to determine if they are being used in accordance with this Act, the regulations and the agreement.

#### **Misuse of funds**

(9) If a person who receives funds under a direct funding agreement fails to use all or a part of the funds provided for the purpose referred to in clause (3) (b), the application entity may terminate the agreement.

#### **4 (1) Section 18 of the Act is repealed.**

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

##### **Service and support profile**

**18 (1)** A funding entity shall develop a service and support profile for each applicant who is determined to be eligible for services and supports and funding under this Act.

##### **Contents**

(2) A service and support profile shall set out the services and supports that may be provided by service agencies under this Act or for which direct funding may be provided under this Act, or both, as the case may be, based on the applicant's needs and the resources available under this Act.

##### **Development**

(3) In developing a service and support profile for a person with a developmental disability, a funding entity shall apply the method of resource allocation specified in a policy directive to determine which services and supports may be provided to the person under this Act and the amount of funding available under this Act for those services and supports.

#### **5 (1) Section 19 of the Act is repealed.**

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

##### **Prioritization, waiting list**

**19 (1)** A funding entity shall prioritize applications received under subsection 13 (1) for services and supports or for funding based on information contained in the applications and on the service and support profiles prepared under section 18.

##### **Rules respecting prioritization**

(2) In prioritizing applications, a funding entity shall follow the rules for prioritizing applications set out in a policy directive.

##### **Waiting lists**

(3) A funding entity may establish waiting lists for services and supports provided by service agencies under this Act and for direct funding and shall manage those lists in accordance with any applicable policy directives.

**Same**

(4) If there are not sufficient funds available in a funding entity's geographic area to provide one or more services and supports specified in an applicant's service and support profile immediately or, if direct funding is requested, to provide the direct funding immediately, the funding entity may place the applicant on a waiting list for the services and supports or for the funding, as the case may be.

**Report**

(5) A funding entity shall, on an annual basis within the time period specified by the Minister, report to the Minister the information that the Minister requires about the waiting lists referred to in subsection (3) and the Minister shall, within 60 days after receiving the report, publish it in the manner that the Minister considers appropriate.

**6 (1) Section 20 of the Act is repealed.**

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

**Reassessment of service and support profiles, etc.**

**20** After a funding entity has developed a service and support profile for an applicant and prioritized the application, the entity may, subject to the procedures and rules for reassessment set out in a policy directive,

- (a) reassess the profile in accordance with section 18; and
- (b) in accordance with section 19, reassess the prioritization for services and supports or for direct funding, based on the reassessment of the profile under clause (a).

**7 (1) Section 21 of the Act is repealed.**

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

**Notice of available services, etc.**

**21 (1)** If a funding entity has placed an applicant on a waiting list for services and supports provided by service agencies or for direct funding, the entity shall,

- (a) in the case of an application for services and supports from service agencies, give notice to a person described in subsection (2) when one or more of the services and supports becomes available and refer the applicant or person to the appropriate service agency; and
- (b) in the case of an application for direct funding, give notice to a person described in subsection (2) when the funding becomes available.

**Same**

(2) The funding entity shall give the notice mentioned in subsection (1) to the applicant, or to the person who submitted the application for services and supports on the applicant's behalf under subsection 13 (2), or to both.

**8 Clause 38 (q) of the Act is repealed and the following substituted:**

- (q) respecting any transitional matters that the Lieutenant Governor in Council considers necessary or advisable to effectively implement this Act, the regulations or any provisions of this Act or the regulations.

**9 The Act is amended by adding the following section:**

**Regulations re transitional matters**

**38.1** Without limiting the generality of clause 38 (q), a regulation made under that clause may provide for transitional matters to permit the gradual implementation of the provisions of this Act enacted by Schedule 33 to the *Less Red Tape, Stronger Economy Act, 2023*, including by providing that, in specified circumstances, any of those provisions do not apply or apply with specified modifications.

**10 (1) Subsections 42 (3) and (4) of the Act are repealed.**

**(2) Section 42 is amended by adding the following subsections:**

**Service and support profile**

(3) A funding entity for the geographic area in which the person with a developmental disability resides shall develop a service and support profile for the person in accordance with section 18, subject to such procedures or rules as may be prescribed or specified in a policy directive.

**Direct funding**

(4) For greater certainty, if a person described in subsection (1) applies for direct funding under this Act, the person shall comply with all the requirements of this Act except that the person shall be deemed to be eligible for services and supports and funding under this Act, and to have met all the requirements of section 14, for the purposes of the application.

**11 (1) Subsections 43 (4) and (5) of the Act are repealed.**

**(2) Section 43 of the Act is amended by adding the following subsections:**

**Procedure for funding entity**

(4) A funding entity for the geographic area in which the person with a developmental disability resides shall, subject to such procedures or rules as may be prescribed or specified in a policy directive,

(a) develop a service and support profile for the person in accordance with section 18; and

(b) prioritize services and supports and funding for the person in accordance with section 19.

**Direct funding**

(5) For greater certainty, if a person with a developmental disability described in subsection (1) applies for direct funding under this Act, the person shall comply with all the requirements of this Act except that the person shall be deemed to be eligible for services and supports and funding under this Act, and to have met all the requirements of section 14, for the purposes of the application.

**12 Subsection 64 (2) of the Act is repealed.**

**Commencement**

**13 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**(2) Subsections 1 (2), 2 (2) and (4), 3 (2), 4 (2), 5 (2), 6 (2), 7 (2), 10 (2) and 11 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 34**  
**ST. LAWRENCE PARKS COMMISSION ACT**

**1 The *St. Lawrence Parks Commission Act* is amended by adding the following section:**

**Immunity of member**

**18.2** (1) No cause of action arises against a member of the Commission as a result of any act done in good faith in the performance or intended performance of his or her duties or any alleged neglect or default in the performance in good faith of his or her duties.

**No proceeding**

(2) No proceeding, including but not limited to a proceeding for a remedy in contract, restitution, tort or trust, shall be instituted against a member of the Commission by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in subsection (1).

**Liability of Commission preserved**

(3) Subsections (1) and (2) do not relieve the Commission of any liability to which it would otherwise be subject.

**Commencement**

**2 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 35**  
**SUBSTITUTE DECISIONS ACT, 1992**

**1 Section 38 of the *Substitute Decisions Act, 1992* is amended by adding the following subsection:**

**Application of s. 31.1**

(1.1) Section 31.1 also applies, with necessary modifications, to an attorney acting under a continuing power of attorney if there has been a finding that the grantor is incapable of managing property.

**2 Section 67 of the Act is amended by adding the following subsection:**

**Application of s. 59.1**

(2) Section 59.1 applies, with necessary modifications, to an attorney who acts under a power of attorney for personal care if there has been a finding that the grantor is incapable of personal care.

**Commencement**

**3 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**

**SCHEDULE 36  
TOWING AND STORAGE SAFETY AND ENFORCEMENT ACT, 2021**

**1** The *Towing and Storage Safety and Enforcement Act, 2021* is amended by striking out “tow driver’s” wherever it appears and substituting in each case “tow driver”.

**2 (1)** The definition of “towing services” in section 1 of the Act is repealed and the following substituted:

“towing services”, subject to the regulations, includes,

- (a) towing, recovery or transportation in respect of motor vehicles that are disabled, abandoned, impounded, seized, damaged, incomplete or inoperable or that require removal from a location for any other reason, and
- (b) any other prescribed activity; (“services de remorquage”)

**(2)** Clause (b) of the definition of “tow truck” in section 1 of the Act is amended by striking out “exclusively”.

**(3)** The definition of “vehicle storage services” in section 1 of the Act is amended by striking out “and impounded”.

**3** Subsection 7 (1) of the Act is amended by striking out “revoke” in the portion before clause (a) and substituting “cancel”.

**4** Section 8 of the Act is amended by,

- (a) striking out “revocations” and substituting “cancellations”; and
- (b) striking out “revocation” and substituting “cancellation”.

**5** Paragraph 4 of subsection 9 (1) of the Act is amended by striking out “revoke” and substituting “cancel”.

**6 (1)** Section 11 of the Act is amended by striking out “certificate holder” wherever it appears and substituting in each case “operator”.

**(2)** Clauses 11 (1) (a) and (b) of the Act are amended by striking out “holder” wherever it appears and substituting in each case “operator”.

**7** Section 12 of the Act is repealed and the following substituted:

**Tow truck driver requirements**

**12** Every tow truck driver shall comply with the prescribed requirements and standards respecting the provision of towing services that are applicable to the tow truck driver.

**8** Section 13 of the Act is amended by striking out “tow driver’s certificate holder” and substituting “tow truck driver”.

**9** Sections 14 and 15 of the Act are repealed and the following substituted:

**Vehicle impoundment if no or suspended certificate**

**14 (1)** A police officer or inspector may detain a tow truck if the police officer or inspector is satisfied that a person was driving a tow truck on a highway at a time when,

- (a) the person did not hold a valid tow driver certificate; or
- (b) the tow operator of the tow truck did not hold a valid tow certificate.

**Same**

**(2)** A tow truck detained under subsection (1) shall, at the cost and risk of the tow operator,

- (a) be removed to a vehicle storage yard facility as directed by a police officer or inspector; and
- (b) be impounded for seven days from the time it was detained.

**Application of impoundment rules**

**(3)** Except as otherwise provided by the regulations, subsections 55.2 (2) to (18) of the *Highway Traffic Act* apply, with the prescribed and any other necessary modifications, with respect to the impounding of a tow truck under subsection (2).

**Intent of impoundment**

**(4)** The impoundment of a tow truck under this section is intended to promote compliance with this Act and the regulations and to safeguard the public, and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time.

**Vehicle storage operator requirements**

**15 (1)** Every vehicle storage operator shall, in providing or offering to provide vehicle storage services,

- (a) comply with the prescribed requirements and standards respecting the provision of vehicle storage services that are applicable to the operator; and

- (b) ensure that persons employed or engaged by the operator and any other prescribed person complies with this Act and the regulations, including the prescribed requirements and standards respecting the provision of vehicle storage services.

**Vehicle storage yard facility requirements**

(2) Every vehicle storage operator shall ensure that the operator's vehicle storage yard facility meets the prescribed requirements.

**10 Section 16 of the Act is amended by,**

- (a) striking out "certificate holder" wherever it appears and substituting in each case "operator"; and  
 (b) striking out "holder" wherever it appears and substituting in each case "operator".

**11 Section 17 of the Act is repealed and the following substituted:**

**Prohibited practices**

17 No tow truck driver, tow operator or vehicle storage operator shall, directly or indirectly, engage in practices that are prescribed as prohibited practices.

**12 Subsection 18 (3) of the Act is repealed and the following substituted:**

**Reports of collisions and incidents**

(3) A tow operator shall, upon request, provide the Director with information or documents regarding any collision or other incident involving a tow truck that was, at the time of the collision or incident, owned or operated by the tow operator.

**13 Section 19 of the Act is amended by striking out "certificate holder" and substituting "tow truck driver, tow operator and vehicle storage operator".**

**14 (1) Subsections 20 (1) and (2) of the Act are repealed and the following substituted:**

**Requirement to obtain consent for towing services**

20 (1) Unless the consent of the person specified by the regulations in relation to a motor vehicle is first obtained by a tow truck driver or tow operator in accordance with the regulations,

- (a) the tow truck driver shall not provide, or attempt to provide, towing services in respect of the motor vehicle; and  
 (b) neither the tow truck driver nor the tow operator shall charge or demand payment for any towing services in respect of the motor vehicle.

**Same**

(2) Subsection (1) does not apply if the motor vehicle is being impounded or stored at the direction of a police officer or other person with authority to direct impoundment or storage or in any other circumstances that may be prescribed.

**(2) Subsection 20 (3) of the Act is amended by,**

- (a) striking out "tow driver's certificate holder" and substituting "tow truck driver or tow operator"; and  
 (b) striking out "signed".

**(3) Subsection 20 (4) of the Act is amended by striking out "after it has been signed by the parties".**

**(4) Subsection 20 (5) of the Act is amended by striking out "tow driver's certificate holder" wherever it appears and substituting in each case "tow truck driver".**

**15 (1) Subsection 21 (1) of the Act is repealed and the following substituted:**

**Directions re towing**

(1) Subject to any consent required under section 20, a tow truck driver shall, unless the regulations provide otherwise, tow a motor vehicle to the location specified by a person prescribed with respect to the motor vehicle.

**(2) Subsection 21 (2) of the Act is amended by striking out "tow driver's certificate holder" and substituting "tow truck driver".**

**16 Subsections 22 (1) and (2) of the Act are amended by,**

- (a) striking out "certificate holder" wherever it appears and substituting in each case "operator"; and  
 (b) striking out "holder's" wherever it appears and substituting in each case "operator's".

**17 Sections 23 to 26 of the Act are repealed and the following substituted:**

**Requirement to obtain consent for vehicle storage services**

**23** (1) The vehicle storage operator shall, in the prescribed circumstances and in the time and manner specified by the regulations, obtain the consent of the person specified by the regulations in relation to a motor vehicle with respect to the provision of vehicle storage services in respect of the motor vehicle.

**Same**

(2) Subsection (1) does not apply if the motor vehicle is being impounded or stored at the direction of a police officer or other person with authority to direct impoundment or storage or in any other circumstances that may be prescribed.

**Same**

(3) Except as provided by the regulations, in the circumstances in which a consent is required under subsection (1), the consent must be obtained before the vehicle storage operator may charge or demand payment for the vehicle storage services.

**Consent requirements**

- (4) The vehicle storage operator shall, in accordance with the regulations,
- (a) document a consent required to be provided under subsection (1); and
  - (b) provide a copy of the documentation to the consenting person.

**No alteration**

(5) No person shall alter a documented consent except as permitted by the regulations.

**Access to vehicle**

**24** (1) A tow truck driver shall at such times as may be prescribed permit the owner of a motor vehicle and any other prescribed person to have reasonable access to the motor vehicle.

**Same**

(2) A vehicle storage operator shall permit the owner of a motor vehicle and any other prescribed person to have reasonable access to the motor vehicle during the operator's regular business hours or, if the premises do not have regular business hours, at any time the premises are open for business.

**Exceptions**

(3) A police officer or inspector may direct, or the regulations may provide, that subsection (1) or (2), or both, do not apply with respect to a motor vehicle.

**Requirements re vehicle access**

(4) In permitting a person to have access to a motor vehicle under subsection (1) or (2), a tow truck driver or vehicle storage operator, as the case may be, shall comply with any prescribed requirements.

**No pressuring**

(5) No tow truck driver, tow operator or vehicle storage operator shall retain anything found in a motor vehicle as a means of pressuring a person to make a payment for towing services or vehicle storage services.

**Restriction on passengers in tow trucks**

**25** No tow truck driver shall allow a prescribed person to travel as a passenger in a tow truck.

**Estimates, towing and storage services**

**26** (1) A tow truck driver or tow operator shall provide estimates with respect to towing services and a vehicle storage operator shall provide estimates with respect to vehicle storage services.

**Same**

(2) The estimates referred to in subsection (1) shall be provided in the prescribed circumstances, to the prescribed persons and in accordance with the prescribed requirements.

**No charge for estimate**

(3) A person listed in subsection (1) shall not charge or demand payment for preparing an estimate.

**18 Subsections 27 (1) and (2) of the Act are repealed and the following substituted:****Towing services**

(1) No tow operator or tow truck driver shall charge or demand payment for towing services without first providing an invoice to the person receiving the services in accordance with the regulations.



### **Vehicle storage services**

(2) No vehicle storage operator shall charge or demand payment for vehicle storage services without first providing an invoice to the person receiving the services in accordance with the regulations.

### **19 Section 28 of the Act is repealed and the following substituted:**

#### **Charges for services**

##### **Minister's regulations**

**28** (1) The Minister may make regulations governing amounts payable for towing services, vehicle storage services and any services related or ancillary to either.

##### **Same**

- (2) Without limiting the generality of subsection (1), the regulations may,
- (a) prescribe maximum amounts that may be charged, which may include different maximum amounts in respect of,
    - (i) different services,
    - (ii) different classes of motor vehicles,
    - (iii) different geographical regions, and
    - (iv) such other criteria as the Minister considers appropriate;
  - (b) establish and govern procedures to be followed in relation to the charging of amounts for towing services or vehicle storage services and any services related or ancillary to either and requiring compliance with the procedures;
  - (c) govern the payment of amounts for towing services or vehicle storage services and any services related or ancillary to either, including methods of payment;
  - (d) provide that a specified service not be subject to a charge;
  - (e) prescribe criteria that the Director shall take into consideration when determining whether an amount is unreasonably high under subsection (7);
  - (f) establish and govern procedures to be followed by the Director when providing a notice under subsection (7).

##### **Submission of amounts**

(3) Every tow operator and vehicle storage operator shall submit to the Director the amount to be charged for each towing service and vehicle storage service that the operator provides and for any related or ancillary services the operator provides.

##### **Maximum amounts**

(4) An amount submitted under subsection (3) in respect of a service shall not exceed the applicable maximum amount prescribed under subsection (1) in respect of the service, if any.

##### **Same**

(5) If an operator submitted an amount in respect of a service under subsection (3) or (7) and subsequently an applicable maximum amount that is lower than the submitted amount is prescribed under subsection (1), the operator shall submit to the Director an amount that does not exceed the prescribed maximum amount.

##### **Publication by Director**

(6) The Director shall publish a list of all amounts submitted under subsection (3) on a website of the Government of Ontario and, if a subsequent amount is submitted under subsection (5) or (7), the Director shall update the list to reflect the most recently submitted amount.

##### **Unreasonable amount**

(7) If there is no applicable prescribed maximum amount in respect of a service provided by an operator and the Director is of the opinion that the most recent amount submitted by the operator in respect of the service is unreasonably high, the Director may, by providing written notice to the operator,

- (a) require the operator to submit a lower amount in respect of the service within the time period specified in the notice; and
- (b) specify a maximum amount that may be charged by the operator in respect of the service during the period starting on the day the notice is provided and ending on the day that the amount submitted under clause (a) is published by the Director under subsection (6).

##### **Compliance**

(8) An operator to whom a written notice is provided under subsection (7) shall comply with the notice within the time period specified in the notice.

**Prohibition re charges**

(9) Subject to subsections (10) and (11), no person shall charge an amount in respect of towing services or vehicle storage services, or any related or ancillary services, that exceeds the amount published under subsection (6) in respect of the person and the service.

**Same**

(10) If subsection (5) applies, no person shall charge an amount for a service that exceeds the applicable prescribed maximum amount starting on the day the applicable prescribed maximum amount first applies to the person.

**Same**

(11) If clause (7) (b) applies to an operator, the operator shall not charge an amount for a service that exceeds the amount specified in the notice during the period described in that clause.

**No charging for work not done**

(12) No person shall charge an amount for towing services or vehicle storage services that were not actually provided.

**20 Sections 29 to 31 of the Act are repealed and the following substituted:****Restrictions on inducements**

**29** (1) No person shall, directly or indirectly, give or receive or offer to give or receive anything in consideration of the furnishing of information or advice given in respect of the occurrence of a collision or the presence of a motor vehicle that requires towing, for the purpose of,

- (a) obtaining work providing towing services or vehicle storage services; or
- (b) enabling any other person to obtain work providing towing services or vehicle storage services.

**Same**

(2) No person shall, directly or indirectly, give or receive or offer to give or receive anything in consideration of the furnishing of information or advice given in respect of,

- (a) the repair, appraisal or wrecking of a motor vehicle; or
- (b) the referral of a person whose motor vehicle requires towing services or vehicle storage services to,
  - (i) a towing service,
  - (ii) a vehicle storage service, or
  - (iii) any other prescribed service.

**Restrictions on referrals**

**30** (1) Subject to subsection (2), no person shall refer a person whose motor vehicle requires towing services or vehicle storage services to any person or entity in relation to a service referred to in subsection 29 (2).

**Same**

(2) A tow truck driver, tow operator or vehicle storage operator may refer a person whose motor vehicle requires towing services or vehicle storage services to a person or entity in relation to a service referred to in clause 29 (2) (a) or subclause 29 (2) (b) (i) or (ii) if the driver or operator has disclosed any interest in respect of the service to the person in accordance with paragraph 3 of subsection 31 (1).

**Disclosure of interest**

**31** (1) Every tow truck driver, tow operator and vehicle storage operator who, directly or indirectly, has an interest in any of the following shall, in accordance with the regulations and with subsection (2), disclose to a person to whom the driver or operator is providing towing services or vehicle storage services, as the case may be, and to any other prescribed person, the nature and extent of the interest:

1. A vehicle storage yard facility to which the motor vehicle may be towed.
2. Any other location to which the motor vehicle may be towed for repair, storage, appraisal or other similar purpose.
3. Any person or entity to whom the driver or operator refers the person to whom the driver or operator is providing the services.

**No demand for payment before disclosure**

(2) The disclosure required to be made under subsection (1) must be made before the tow truck driver, tow operator and vehicle storage operator charges for or demands any payment for any of the towing services or vehicle storage services.

**21 Subsection 32 (2) of the Act is amended by striking out “in accordance with the regulations”.**

**22 Sections 33 to 39 of the Act are repealed and the following substituted:**

**False information**

**33** (1) No person shall falsify any information or document that the person is required to provide under this Act or any other prescribed Act.

**Same**

(2) No person shall assist or counsel any person who requests or receives towing services or vehicle storage services to falsify any information or document that the person requesting or receiving the services is required to provide under this Act or any other prescribed Act.

**No coercion**

**34** (1) No person shall coerce, intimidate or threaten a person for the purpose of obtaining or seeking to obtain consent to towing services or vehicle storage services or into paying compensation for the services or for any related or ancillary services.

**Related conduct**

(2) No person shall coerce, intimidate or threaten any other person for the purpose of,

- (a) obtaining work providing towing services or vehicle storage services; or
- (b) preventing the other person from obtaining work providing towing services or vehicle storage services.

**Information to be provided**

**35** (1) Every tow truck driver, tow operator and vehicle storage operator shall, in accordance with the regulations, provide the prescribed information to persons requesting or receiving towing services or vehicle storage services.

**Same**

(2) Every tow truck driver, tow operator and vehicle storage operator shall, in accordance with the regulations, post or display the prescribed information.

**Representations**

**36** (1) Every tow truck driver, tow operator and vehicle storage operator shall comply with the prescribed requirements and standards respecting the making of representations to persons requesting or receiving towing services or vehicle storage services.

**Misrepresentation prohibited**

(2) No person shall make any representation, whether written, oral or implied, that is misleading, inaccurate or false in order to induce a person to consent to towing services or vehicle storage services.

**Complaints**

**37** (1) The Director may,

- (a) receive complaints concerning conduct that may be in contravention of or non-compliance with this Act or the regulations;
- (b) make written requests to persons for information regarding complaints;
- (c) attempt to resolve complaints concerning any conduct that comes to the Director's attention that may be in contravention of or non-compliance with this Act or the regulations, or refer such complaints to a prescribed complaint resolution process to be dealt with in accordance with the regulations; and
- (d) if the Director is of the opinion that a person has contravened or failed to comply with this Act or the regulations, impose a prescribed sanction or take any other prescribed action, as the Director considers appropriate, in accordance with the regulations.

**Request for information**

(2) A request under clause (1) (b) shall indicate the nature of the complaint.

**Duty to comply**

(3) A person who receives a written request under clause (1) (b) shall provide the requested information to the Director.

**Prohibition, obstruction, etc.**

(4) No person shall hinder, obstruct or interfere with the review of a complaint, refuse to answer questions on relevant matters or provide information on matters relevant to the complaint that the person knows to be false or misleading.

## **Collision Scenes**

### **Restriction on provision of towing services at collision**

**38** (1) No tow truck driver or tow operator shall provide or offer to provide towing services, or park or stop a tow truck, on a highway within 200 metres of,

- (a) the scene of a collision or apparent collision; or
- (b) a motor vehicle involved in a collision.

### **Exception**

(2) Subsection (1) does not apply with respect to a tow truck driver who is at the scene of a collision at the request of a police officer, inspector or person involved in the collision.

### **Restricted towing zones**

(3) Nothing in subsection (2) authorizes a tow truck driver or any other person with the care, charge or control of a tow truck to provide or offer to provide services in a restricted towing zone if the tow operator is not authorized to provide towing services in that zone.

### **Compliance with directions at collision scene**

**39** (1) Every tow truck driver shall comply with any reasonable direction given by a police officer, inspector or firefighter who is present at the scene of a collision.

### **Same**

(2) Every tow truck driver shall comply with a direction of a police officer or inspector who is present at the scene of a collision to,

- (a) leave the scene of the collision; or
- (b) stay at least 200 metres away from the scene for such time as the police officer or inspector may direct.

### **23 Sections 42 and 43 of the Act are repealed and the following substituted:**

#### **Tow trucks to be marked**

**42** (1) A tow certificate holder authorized under section 41 to provide towing services in a restricted towing zone shall ensure that every tow truck it uses to provide the services in that zone,

- (a) displays the holder's name; and
- (b) displays, in a clearly visible position on each side of the tow truck, a sign showing the holder's authorization to provide towing services in the zone.

### **Same**

(2) No tow truck driver shall drive a tow truck displaying information described in clause (1) (a) or (b) unless they are driving the tow truck on behalf of the authorized tow certificate holder.

#### **Documents to be carried**

**43** Every tow truck driver driving a tow truck in a restricted towing zone on behalf of an authorized tow certificate holder shall carry proof of the authorization.

**24 Subsection 46 (4) of the Act is amended by striking out "28 (1) and (2)" and substituting "28 (9) to (12)".**

**25 Paragraph 1 of subsection 50 (1) of the Act is amended by striking out "revoked" and substituting "cancelled".**

**26 Section 51 of the Act is repealed and the following substituted:**

#### **Information re certain certificate holders**

**51** The Director may make the names of tow operators and vehicle storage operators, and any other information respecting them that the Director thinks should be publicly known, available to the public in the manner that the Director considers appropriate.

**27 (1) Subsection 54 (6) of the Act is amended by striking out "or mail a demand to such a person at the latest address of the person appearing on the records of the Ministry" and substituting "mail a demand to such a person at the latest address of the person appearing on the records of the Ministry, or send a demand by electronic means of transmission to the latest electronic mail address of the person appearing on the records of the Ministry".**

**(2) Subsection 54 (13) of the Act is repealed and the following substituted:**

### **Co-operation with inspector**

(13) Every tow operator and vehicle storage operator and their directors, officers, employees and agents shall co-operate with an inspector conducting an inspection.

**28 (1) Clause 64 (1) (b) of the Act is amended by striking out “of “towing” and” and substituting “of “towing”, “towing services” and”.**

**(2) Clause 64 (1) (d) of the Act is amended by striking out “revocation” in the portion before subclause (i) and substituting “cancellation”.**

**(3) Clause 64 (1) (f) of the Act is amended by adding “and inspectors” after “police officers”.**

**(4) Clause 64 (1) (i) of the Act is repealed.**

**(5) Subsection 64 (1) of the Act is amended by adding the following clause:**

- (t.1) providing that any Part or provision of this Act, or any regulation or provision of a regulation, applies to a specified class of vehicles in addition to the motor vehicles that the Part, provision or regulation otherwise applies to, prescribing modifications to that Part, provision or regulation for any such application and prescribing conditions and circumstances for any such application;

### ***City of Toronto Act, 2006***

**29 Section 93 of the *City of Toronto Act, 2006* is amended by striking out “tow trucks and” in the portion before clause (a).**

### ***Municipal Act, 2001***

**30 (1) Item 11a of the Table to section 11 of the *Municipal Act, 2001* is amended by striking out “tow trucks” under the column heading “Part of Sphere Assigned”.**

**(2) Section 155 of the Act is amended by striking out “tow trucks and” in the portion before clause (a).**

### **Commencement**

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

**SCHEDULE 37  
TRUSTEE ACT**

**1 Section 27.2 of the *Trustee Act* is amended by adding the following subsection:**

**Mutual, pooled and segregated funds**

(2.1) Subsection (2) does not prevent the agent from investing in mutual funds, pooled funds or segregated funds under variable insurance contracts.

**2 The French version of subsection 52 (2) of the Act is amended by striking out “n’est assujetti à aucune responsabilité relativement aux” and substituting “n’est pas tenu personnellement responsable des”.**

**Commencement**

**3 This Schedule comes into force on the day the *Less Red Tape, Stronger Economy Act, 2023* receives Royal Assent.**